Wednesday
16th May, 1956

सत्यमेव जयते

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

1956

PARLIAMENT SECRETARIAT
NEW DELHI

99LSD

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LOK SABHA DEBATES
(Part I—Questions and Answers)

No. 25581
Dated 30.03.2015

LOK SABHA

Wednesday, 16th May, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

DOCUMENTARIES ON BASIC EDUCATION

***2241. Shri S. C. Samanta:** Will the Minister of **Education** be pleased to state:

(a) the number of documentaries on Basic Education produced in India up to-date;

(b) the arrangements made to give them wide publicity;

(c) whether it is a fact that U.S. Information Service Film Section has produced a film on "Education For Life" based on Mahatma Gandhi's principle of Basic Education; and

(d) if so, whether it is being exhibited?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) 2.

(b) (i) Exhibition in public cinemas through the Distribution Department of the Films Division and through mobile vans in rural areas.

(ii) Circulation to educational and social welfare organisations which are members of the Central Film Library.

(c) The film "Education for Life" based on Mahatma Gandhi's principle of Basic Education has been produced by the U.S. Technical Co-operation Mission in India.

(d) Yes, Sir.

Shri S. C. Samanta: May I know whether the two documentaries had been prepared by the Ministry or through the Ministry of Information and Broadcasting?

Dr. K. L. Shrimali: The films are produced in consultation with the Ministry of Education but they are produced by the Films Division of the Ministry of Information and Broadcasting.

Shri S. C. Samanta: What arrangements have been made to give wide publicity by the U.S. Information Service Film Section?

Dr. K. L. Shrimali: That is the function of the United States Technical Co-operation Mission. We are not dealing with that.

Shri B. S. Murthy: Arising out of his answer to part (d), may I know how long a film is being exhibited in a place? Is there any request for extension and if so, is such extension given?

Dr. K. L. Shrimali: The Mission asked certain information from us and that information was supplied in December 1954. I presume that the film is being exhibited after that period but I could not give the exact date.

श्री भक्त दर्शन: महात्माजी के जीवन पर जो यह "एजूकेशन फार लाईफ" नाम का फिल्म तैयार किया गया है जहांतक मैं समझता हूं यह केवल अंग्रेजी में है। क्या इसे हिन्दी और दूसरी भारतीय भाषाओं में भी तैयार करने का कुछ उद्योग किया जा रहा है ?

डा० के० एल० श्रीमाली : यह फिल्म दोनो भाषाओं हिन्दी और अंग्रेजी में तैयार किया गया है ।

SAHITYA AKADAMI

***2242. Shri Sivamurthi Swami:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that an exhibition of books in Indian languages is being organised by the Sahitya Akadami;

(b) the number of foreign classics selected by the Akadami for translation into all the major Indian languages; and

(c) the number of Kannada works of literature which have won prizes for the last three years?

The Deputy Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) Twenty-five. A list of the classics is laid on the Table of the House. [*See* Appendix XIII, Annexure No. 42.]

(c) One.

Shri Sivamurthi Swami: May I know whether any arrangement has been made by the Akadami to translate and print the old literature, especially those written on leaves?

Dr. M. M. Das: The question relates to the translation in Hindi and other languages of the foreign classics. If the hon. Member puts another question, I shall be able to answer him.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): As President of the Sahitya Akadami I may perhaps give some information on the subject. The Akadami for the present is engaged not in old manuscripts but rather in the literature of the Indian languages as such which, of course, goes back to several hundred years; some of them may be more. We are trying, first of all, to publish anthologist selections. The work is enormous. The question of publishing palm leaf manuscripts, etc. is an important one and may be undertaken by some organisation. There is some talk of creating some kind of an Institute of Indology which will deal with Sanskrit, Pali and all the ancient manuscripts and first of all, collect them because it was spread out all over India, and then make lists of them and then try to publish such of them as can be published.

सेठ गोविन्द दास : अभी माननीय मंत्री जी ने कहा कि इस प्रकार की एक प्रदर्शनी का प्रबन्ध किया जा रहा है। क्या माननीय मंत्री जी को यह बात मालूम है कि गये बार शिक्षा मंत्रालय द्वारा जो प्रदर्शनी की गयी थी उसमें पुस्तकों का संग्रह बहुत कम था, और क्या इस बात का कोई प्रयत्न किया जा रहा है कि अब तक जितनी भी भाषाओं की पुस्तकें निकली हैं उनमें से अधिक से अधिक की प्रदर्शनी की जाये। और अगर ऐसा विचार है तो इसमें किन किन संस्थाओं की सहायता ली जा रही है ?

Dr. M. M. Das: In this exhibition books of all the Indian languages will be exhibited and there is no limit to the number of books that can be exhibited in any language. So, we take that this exhibition will contain a large number of books. The Sahitya Akadami is organising this exhibition and I do not know whether it is taking the help of any other organisation.

Shri B. S. Murthy: What steps are being taken by the Akadami for the preservation of these palm leaf manuscripts which are in the process of decay?

Shri Jawaharlal Nehru: I have just said that the Sahitya Akadami is not at present directly concerned with that aspect of the question. We are concerned with the development of modern languages using the word 'modern' in a fairly extensive sense. That is, if we take Bengali or Maharashtra, it goes back to hundreds of years. We can deal with ancient langauges and the palm leaf manuscripts also. But we have to concentrate on some aspects of the work and at present it is the development of these modern languages and getting them to know each other. The other part of the work which the hon. Member mentioned will be taken up by some new Institute of Indology and the like. They may take it up.

Shri Gadilingana Gowd: The Deputy Minister replied to part (a) in the affirmative. Where will these books be exhibited? Will the *vachans* of the saints also published?

Shri Jawaharlal Nehru: This is an exhibition of modern book publications. The hon. Members will realise how the modern books are produced in the various Indian languages. It is more an exhibition of modern publications and the type of books that are published than the contents of books. People do not read the contents in an exhibition. They want to see how in the modern Indian languages books are being produced.

DISTRICT SOCIAL EDUCATION ORGANISERS

***2243. Shri Ram Krishan:** Will the Minister of **Education** be pleased to state the main features of the Scheme for appointment of District Social Education Organisers?

The Deputy Minister of Education (Dr. K. L. Shrimali): A statement is laid on the Table of the House. [*See* Appendix XIII, Annexure No. 43.]

श्री राम कृष्ण : अबतक इनकी ट्रेनिंग के लिये क्या क्या इन्तिजाम किया गया है ?

डा० के० एल० श्रीमाली : उनके लिये ट्रेनिंग का कोई ख़ास अलग प्रबन्ध नहीं किया गया है। जैसा कि स्टेटमेंट में बतलाया गया है जो लोग योग्य होंगे वे ही इन पदों पर नियुक्त किये जायेंगे ।

Dr. Rama Rao: May I know the special functions of the Social Education Organisers and how they differ from the ordinary Education Inspectors? Do they work in the ordinary educational institutions or do they work in special social education institutions?

Dr. K. L. Shrimali: I may correct what I said a minute before. Some arrangement is being made by the Community Projects Administration, with regard to the training of Social Education Organisers. With regard to the question that has been raised just now, I may say that the main function of these organisers was to bring about a kind of co-ordination between the work that is being done by the Community Projects Administration in the field of social education and the work that is being done by the State departments of education. At present there is no agency to co-ordinate the work between these two departments. We are expecting that by the end of the Second Plan Period the whole country will be covered by the Community Projects and the National Extension Service. It is, therefore, essential that somebody like the Social Education Organiser should be appointed in the district, so that he might bring about co-ordination between the work of the community projects administration, social education programme and the work that is being done by the State departments of education that will be having social education organisations.

सेठ गोविंद दास : क्या माननीय मंत्री जी यह बात जानते हैं कि भिन्न भिन्न राज्यों में समाज शिक्षा का पाठ्यक्रम और पद्धति अलग अलग तरह की है और क्या इस बात प्रयत्न किया जा रहा है कि यह पाठ्यक्रम और पद्धति सारे देश में करीब करीब एक सी बना दी जाय ?

डा० के० एल० श्रीमाली : न तो एक सी बनाई जा सकती है और न मेरी दृष्टि से यह वांछनीय है क्योंकि हर एक स्टेट की समस्यायें अलग अलग होती हैं और उन को इस बात का पूरा मौका होना चाहिये कि वह अपना पाठ्यक्रम और पाठ्य विधि बनायें ।

Shri M. D. Joshi: May I know whether these district social organisers will work under the district social education committees or under the community projects administration or under both?

Dr. K. L. Shrimali: No, Sir. They will be appointed by the State Governments.

Shri D. C. Sharma: May I know in what way these district social organisers will be recruited and whether they will be directly under the State Governments or both under the State and the Central Governments?

Dr. K. L. Shrimali: No, Sir. They will be under the State Governments. The Central Government will only give grants to the State Governments for the appointment of these officers.

RECRUITMENT OF SUB-INSPECTORS OF POLICE

***2244. Shri M. L. Agrawal:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that by an advertisement in the *Statesman* of 5th May, 1955 Government invited applications for the recruitment of Sub-Inspectors of Police; and

(b) if so, how far the recruitment has progressed?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) Twenty candidates were selected who are now undergoing training.

Shri M. L. Agrawal: May I know how many candidates have been selected and how many applied?

Shri Datar: The number of persons who applied is very large—more than 10,000—and 20 candidates were selected.

Pandit D. N. Tiwary: May I know what is the method of selection?

Shri Datar: The selection is made by two committees; one is a preliminary local selection board which sits at different centres, about 17 in all, and the final selection is made by the central selection board here.

Pandit D. N. Tiwary: Who are the members of the local selection board?

Shri Datar: They are officers of the Intelligence Department.

Shri M. L. Agrawal: What are the qualifications prescribed for the candidates?

Shri Datar: So far as the qualifications are concerned, there are two categories of Sub-Inspectors: ordinary and technical. For ordinary Sub-Inspectors B.A. or B.Sc. is essential and for technical Sub-Inspectors B.Sc. with physics and mathematics is essential.

Shri M. L. Agrawal: May I know what steps are going to be taken to recruit the required number of candidates?

Shri Datar: I could not follow the question, Sir.

Mr. Speaker: Nor have I.

Shri M. L. Agrawal: I want to know, what steps are going to be taken to recruit more Sub-Inspectors who are required.

Shri Datar: *Our requirements are about 20 every two years. Therefore, we cannot accommodate others.

हिन्दी परीक्षा समिति

***२२४५. श्री भक्त दर्शन :** क्या शिक्षा मंत्री ६ दिसम्बर, १९५५ के अतारांकित प्रश्न संख्या ४१६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या हिन्दी परीक्षाओं की मान्यता के प्रश्न पर विचार करने के लिए नियुक्त की गयी हिन्दी परीक्षा समिति ने अपना कार्य समाप्त कर लिया है; और

(ख) यदि हां, तो क्या उसकी मुख्य सिफारिशों तथा उसके निर्णयों की एक प्रति सभा पटल पर रखी जायेगी ?

शिक्षा उपमंत्री (डा० के० एल० श्रीमाली) : (क) जी नहीं ।

(ख) प्रश्न ही नहीं उठता ।

श्री भक्त दर्शन : क्या यह सत्य है कि यह समिति लगभग पिछले ढाई वर्ष से कार्य कर रही है ? मैं जानना चाहता हूं कि क्या खास अड़चनें हैं जिनकी वजह से निर्णय करने में देरी हो रही है ।

डा० के० एल० श्रीमाली : मुझे इस बात का बड़ा अफसोस है कि इस कमेटी की रिपोर्ट जल्दी नहीं तैयार हो सकी । लेकिन जहां तक मिनिस्ट्री का सम्बन्ध है, उन्होंने इस बात की पूरी कोशिश की कि जल्दी से जल्दी यह रिपोर्ट तैयार हो जाय । दिक्कत यह है कि कुछ पार्लियामेंट के मेम्बर इसके सदस्य हैं और चेयरमैन भी पार्लियामेंट के मेम्बर हैं, वह भी काम में

**See* Note below cols. 3919-20

बहुत व्यस्त रहते हैं और इस कारण वे मिनिस्ट्री के बहुत दरख्वास्त करने पर भी रिपोर्ट तैयार नहीं कर सके । मैं आशा करता हूं कि उसकी अगली बैठक जून में होगी और रिपोर्ट शीघ्र से शीघ्र तैयार हो जायेगी ।

श्री भक्त दर्शन : इस सूची से ज्ञात होता है कि इस समय देश में २४ संस्थायें ऐसी हैं जो हिन्दी के नाम पर परीक्षायें ले रही हैं। क्या इस समिति ने या गवर्नमेंट ने इस बात पर विचार किया है कि उन सबको एक ही संस्था के अन्तर्गत, उदाहरणार्थ हिन्दी साहित्य सम्मेलन के अन्तर्गत, ला कर उनकी परीक्षाओं को मान्यता दी जाय, ताकि सारे देश में एक प्रकार से परीक्षा ली जा सके ?

डा० के० एल० श्रीमाली : जी हां, यह २४ संस्थायें परीक्षा लेती हैं किन्तु जो परीक्षाओं के स्तर हैं वे एक केन्द्र से दूसरे केन्द्र में भिन्न हैं, और हमने यह भी पता लगाया है कि उनमें से कुछ के स्तर बहुत अच्छे नहीं हैं । इसी बात की जांच करने के लिये यह कमेटी बनाई गई थी । मुझे आशा है कि जब कमेटी की रिपोर्ट तैयार हो जायेगी तो इस सम्बन्ध में कुछ निर्णय किया जायेगा ।

श्री भक्त दर्शन: इस सूची से यह ज्ञात होता है कि कुछ संस्थायें ऐसी हैं, जैसे कि हिन्दुस्तानी प्रचार सभा, वार्धा और हिन्दुस्तानी प्रचार सभा बम्बई। मैं जानना चाहता हूं कि जब यह समिति केवल हिन्दी परीक्षाओं के लिये नियुक्त की गई थी और संविधान में हिन्दुस्तानी नाम की कोई भाषा ऐसी नहीं है जिसको मान्यता प्राप्त हो, तो इस सूची में उनको क्यों शामिल कर लिया गया, और उन पर प्रतिबन्ध क्यों नहीं लगाया जाता ?

डा० के० एल० श्रीमाली : मैं नहीं समझता कि यह हमारे अख्तयार में है कि हम कहें कि वे अपना नाम भी बदल दें ।

STATE BANK OF INDIA

***2247. Thakur Jugal Kishore Sinha:** Will the Minister of **Finance** be pleased to state why the State Bank of India has not introduced cheque system for savings bank account for the withdrawal of deposits and pass book in connection with current and other accounts to facilitate timely check up of the reconciliation of accounts?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): According to the State Bank, there are certain disadvantages in introducing the cheque system, while the present system has some advantages. Under the present system, a person can open a savings bank account *without* being required to be introduced by some one already known to the Bank, and with a minimum balances of Rs. 5 only and can withdraw almost the entire balance without giving any notice. The State Bank consider that savings bank accounts by their very nature are not required to be operated upon frequently and if permission is granted to issue cheques the very object for which the accounts are opened will be defeated. This system is followed by some other banks also.

The State Bank's experience with pass books for current accounts is that they were not generally sent to the bank regularly with the result that there was congestion of work whenever a large number of pass books were received. The Bank now furnishes statement of accounts to the constituents regularly every month and more frequently, if required. This is considered to be more convenient and less expensive as the constituents do not incur postal expenses on sending pass books to the Bank. This practice is in vogue in all advanced countries. The State Bank are agreeable to supply pass books if required although the Bank would prefer a uniform practice in this matter.

ठाकुर युगल किशोर सिंह : यह बात मेरी समझ में नहीं आई कि चेक सिस्टम रखने से क्या डिसएडवान्टेज होगा ।

Shri A. C. Guha: I think I have mentioned the disadvantages.

Pandit D. N. Tiwary: Is the Government aware that in post office savings bank accounts cheque system is going to be introduced? That is also a purely Government department and the State Bank has also become a Government Department. If there is difficulty in introducing cheque system in the State Bank, may I know why no such difficulty is felt in post offices?

Shri A. C. Guha: Different practices may be followed by different banks. As for the question of introducing cheques in the postal savings department, that is just an experiment that we are making and that is primarily for giving banking facilities for the people of rural areas. But the State Bank is more or less operating in urban areas; so that question hardly applies here.

Shri Matthen: May I know if the hon. Minister is aware that all the commercial banks were doing like the State Bank denying the facility for cheques in savings bank accounts? But, since the commercial banks served the public they introduced the cheque system. Therefore, may I know what is the difficulty for the State Bank now, which is trying to be a commercial bank, to introduce cheque system? Of course, I am not satisfied with the answer.

Shri A. C. Guha: I think, Sir, some of the commercial banks also have been following this practice regarding savings bank deposits. I can say that the Bank of India follows the same practice as the State Bank of India, and some other banks—the Central Bank of India, the Punjab National Bank, the United Commercial Bank, the Bank of Baroda and the United Bank of India—have both the systems, with cheque and without cheque.

CANTEEN STORES DEPARTMENT

***2249. Shri B. S. Murthy:** Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 828 on the 14th December, 1955 and state:

(a) whether any decision has been taken to give reservation to the Scheduled Castes and Scheduled Tribes in the Canteen Stores Department;

(b) the number of appointments made since the date; and

(c) the number of Scheduled Castes and Scheduled Tribes appointed?

The Deputy Minister of Defence (Sardar Majithia): (a) The Board of Control, Canteen Stores Department have since carefully considered the application of reservation rule in respect of appointment of Scheduled Castes/Tribes for purposes of employment under the C.S.D.(I) and have decided that as the C.S.D. (I) was being run on commercial lines reservation rules contained in A.I. 358/50 could not be rigidly made applicable. They, however, decided that as far as possible, the spirit of the order contained in the above mentioned A.I. would be kept in view in filling future vacancies provided suitable candidates belonging to Scheduled Castes/Tribes were forthcoming.

(b) and (c). No new appointments have since been made following the above mentioned decision by the C.S.D.(I).

Shri B. S. Murthy: May I know why there is a difference between the letter and the spirit of the order of the Board of Control?

Sardar Majithia: As I said, this is run on commercial lines and we have made the spirit of the order applicable, and in the future vacancies we will see that if suitable candidates from the Scheduled Castes and Scheduled Tribes are found, they are appointed.

Shri B. S. Murthy: Though this is run on commercial lines, is it not a fact that the Canteen Stores Department is entirely manned by the Government officials?

Sardar Majithia: The Defence Department is certainly looking after it, but the Canteen Stores Department does not come under Government service.

Shri T. B. Vittal Rao: May I know if there are any rules governing the recruitment and promotions in the Canteen Stores Department, because anybody is promoted to any post now?

Sardar Majithia: The only rules are efficiency and suitability.

JUVENILE DELINQUENTS

***2252. Shri A. M. Thomas:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 1622 on the 21st April, 1956 and state:

(a) whether the Central Government have considered the question of the importance of the probation system to deal with juvenile delinquents;

(b) if so, what has been the result;

(c) whether Government have considered the desirability of having a standard Juvenile Court Act for the whole country; and

(d) if so, with what result?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b) The Government of India have under consideration the enactment of "All-India Probation of Offenders Act" intended to deal with all offenders including juveniles.

(c) No.

(d) Does not arise.

Shri A. M. Thomas: May I enquire whether the Home Ministry has examined the recommendations of the Advisory Committee of the Central Social Welfare Board for the rehabilitation of delinquents with regard to the implementation of the recommendations which will appertain to the Home Ministry and, if so, what has been the result?

Shri Datar: I believe that the matter was originally examined by the Ministry of Education. Now, it is under the examination of a number of other Ministries concerned including the Home Ministry.

Shri A. M. Thomas: May I enquire, in view of the hon. Minister's answer to part (c) of the question, what exactly is the difficulty? Will it not be desirable to have a uniform enactment for the entire country?

Shri Datar: I may point out to the hon. Member that so far as our present intentions are concerned, we do desire to have an All-India Probation of Offenders Act. So far as the juveniles are concerned, there is a Bill sponsored by the Ministry of Education, known as the "Children Bill, 1954" which is pending before this House.

POST OFFICE BANKS

***2253. Shri Gidwani:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have any scheme under consideration regarding the opening of Post Office Banks within the existing Post Offices to help the agriculturists; and

(b) if so, when will it be implemented?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No, Sir.

(b) Does not arise.

Shri Gidwani: Will it not be more economical to utilise the post office savings banks organisation for the purpose of helping the agriculturists, especially when new post offices are to be opened in the near future?

Shri M. C. Shah: The postal savings accounts are meant for encouraging people to save money and deposit their money in the savings banks. They cannot be used as banks. Really speaking, the co-operative banks can be utilised for this purpose. Then, there will be branches of the State Bank of India which will be opened shortly, and they will serve the purpose of helping the agriculturists in getting money.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT'S MISSION

***2255. Mulla Abdullabhai:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that International Bank for Reconstruction and Development's Mission visited India during April, 1956;

(b) if so, the purpose of their visit and their activities in India; and

(c) the result of their visit?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes Sir.

(b) The object of the Mission is to make an assessment of the economic progress made by India so far and the effects on her economy of the

Second Five Year Plan. The Mission has so far held discussions with various Ministries of the Government of India and with the Planning Commission and is now visiting important Industrial Centres and Development Projects. It will also meet industrialists and businessmen.

(c) The work of the Mission is still continuing.

मुल्ला अबदुलाभाई : क्या मैं जान सकता हूं कि ये लोग भारत के डिवेलेपमेंट के लिये क्यों इतनी असिस्टेंस दे रहें हैं ?

श्री बी० आर० भगत : उनका काम यही है और वे सारे देशों को कर्ज देते हैं और यह दखते हैं कि उनका आर्थिक उत्थान हो । इस लिये हिंदुस्तान को भी उन्होंने बहुत से कर्ज दिए हैं और आगे भी देने वाले हैं । कर्ज देने से पहले वे उस देश की आर्थिक स्थिति का अध्ययन करना लाजिमी समझते हैं ।

मुल्ला अबदुलाभाई : क्या इस बारें में वे रिपोर्ट पेश करेंगे ?

श्री बी० आर० भगत : रिपोर्ट जरूर पेश करेंगे ।

Shri L. N. Mishra: May I know whether some of the previous Missions which have visited India on behalf of international financial institutions have declared India a very good risk and, if so, do Government expect better investment from this Bank during the next Five Year Plan?

Shri B. R. Bhagat: It is true that the previous Missions from the International Bank which visited India declared India a good risk. In the subsequent reports too, they have said that as a result of the first Five Year Plan, or during the period from 1951 and thereafter, India's capacity to service foreign debts has increased. The Finance Minister, in his budget speech of 1956-57, said that we expect the Bank to play a more significant part in the financing of foreign capital requirements of the second Five Year Plan. So, on his basis, we expect that there would be a significant increase in the amount of loan advanced to India by the International Bank.

Shri Bansal: May I know if, as a result of this Mission, the chances of India receiving a much greater accommodation from the International Bank have improved?

Shri B. R. Bhagat: That is what I answered in reply to the previous question.

Shri N. B. Chowdhury: May I know whether the Government will take up the question of industrial development through the International Finance Corporation which is an affiliated body of the International Bank for Reconstruction and Development and, if so, whether any amount has been decided upon so far as the finances of International Finance Corporation are concerned?

Shri B. R. Bhagat: That is entirely a separate issue. I am prepared to answer in detail provided that question is put separately.

Mulla Abdullabhai: May I know if this is the first visit of this Mission or whether it has visited this country before?

Shri B. R. Bhagat: As I said, it is the usual practice of the International Bank to send teams of their experts to visit the countries in which they advance loans. To India they have sent various Missions. One Mission came in 1950, another in 1952 and yet another in 1954. This is the fourth Mission.

RESERVE BANK OF INDIA

***2256. Shri K. K. Das:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Reserve Bank of India refuses to accept signatures in any of the fourteen languages of India; and

(b) if so, the reasons therefor?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). No, Sir. Except, in the case of signatures in Indian languages of female holders of Government Securities, the practice of the Reserve Bank of India is to accept the signatures in any Indian langauge provided they are legible and decipherable. The signatures of female holders of Government Securities, in Indian languages, are under standing instructions, required to be attested to establish their genuineness as such holders are presumed to be *parda-nashin*.

Shri K. K. Das: May I know whether the Reserve Bank accepts the signatures written in English only and whether it is reserved only for people who know English?

Shri A. C. Guha: No, Sir. That is not the practice. But some distinction is made in the case of female depositors signing in Indian languages, because sometimes it is presumed that they may not know the contents of the documents they are signing.

Shri K. K. Das: May I know whether the signatures in Hindi are acceptable to the Reserve Bank?

Shri A. C. Guha: As I have said, signature in any Indian language is accepted. Only in the case of female holders of Government securities some distinction is made.

Shri N. B. Chowdhury: May I know whether the Government's attention has been drawn to the reports in the *Jugantar Patrika* that in Calcutta a large number of people find it very difficult to receive their interest on the loan given in respect of the Five Year Plan and such other loans because of this condition that the signature should be in English and not in Bengali?

Shri A. C. Guha: I require notice of that question.

LIFE INSURANCE COMPANIES

***2258. Shri Radha Raman:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that some Custodians of Insurance Companies have either terminated the services or have issued notices of termination of services to the Insurance workers, or have reduced their salaries;

(b) if so, the number of such cases;

(c) whether Government have examined such cases or propose to do so without further delay to avoid any injustice or harm to the field workers; and

(d) the steps Government propose to take in the matter in view of the assurances given that Custodians would ask the permission of Government before taking any such action?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) to (d). Field workers in the Insurance Industry are not similar to salaried employees in other works of life. They are engaged to procure business and serve under definite terms of appointment which are laid down to suit each case. The remuneration offered to them, commonly called salary, is linked up with the business required to be produced by them. The terms of appointment in all these cases contain a specific provision authorising the companies to revise, defer payment of, or withhold the remuneration in case the volume of business brought in is substantially less than the quota stipulated. This practice is a salutary one and it is in accordance with this, and strictly under the terms of appointment that Custodians give notice, either of reduction of salaries or of termination of appointments.

Custodians of Insurance Companies are not required to take prior permission of Government for taking action in accordance with the normal practice in the business, especially where such action is in terms of the letter of appointment of the persons concerned.

It is understood that there have been about 1400 cases of this kind so far. Government have received complaints, individually and through Associations of Insurance employees, of unjust termination of services or reduction of salaries only in respect of 63 cases. In regard to 34 of these cases, investigation has been completed and Government are satisfied that there has been no injustice at all.

Shri Radha Raman: May I know whether it is a fact that the earned increments which are due to many of the field workers in terms of the salaries that they use to receive regularly have been withheld by the custodians?

Shri M. C. Shah: No; if they are entitled to receive those salaries, they are given those salaries. As I have already explained, there are certain terms of appointment which have been mentioned in the appointment and those terms are carried out. Wherever there is any reduction and any amount is withheld, it is in accordance with those terms.

Shri Radha Raman: Out of the complaints which Government have received from such field workers with regard to the termination of their services or reduction of their salaries, have Government found that any complaint was justified? If so, what is the number of such complaints?

Shri M. C. Shah: I have already stated in my reply that in regard to 34 cases, investigation has been completed and Government have found that there has been no injustice at all. With regard to the other complaints —about 29 in number—the matter is under investigation.

Shri H. N. Mukerjee: In view of the numerous reports regarding the discharge of insurance workers in different parts of the country, will Government tell us if it will consider the suggestion already made in the House that the *status quo* in regard to the employment position should be maintained for the present and that the position in regard to posts and wages shall be carefully and gradually investigated and determined, or, has Government made up its mind that this kind of piecemeal retrenchment will be permitted?

Shri M. C. Shah: If the hon. Member had carefully heard the reply that I had given, he would not have raised this question. There is no question of wages not being paid. It is a question of certain people being employed by the insurance companies to get a certain amount of business done and for that they get a certain amount of remuneration. Also, the stipulation is always there in those appointment orders that if a certain volume of business is not put through, there will be a reduction in the emoluments that they get. The reduction that has taken place is in the case of those people alone who are employed on that basis.

Shri Kelappan: May I bring it to the notice of the Minister that there are cases where some workers have not been paid for the last three months and they did not even get a reply to the letters addressed to the custodians?

Shri M. C. Shah: Whenever any case has been reported to us, we have enquired into that case individually. So, if the hon. Member has got any such case, he will kindly send it on to me. I will enquire into it and a satisfactory reply will be given to the hon. Member.

Shri V. P. Nayar: I want to know whether Government have any information regarding the number of employees in all categories whose services have been terminated subsequent to the Declaration regarding the nationalisation of insurance and if so, what is that figure?

Shri M. C. Shah: The hon. Member fails to make a distinction between "staff employees" and field workers. We have already given an assurance that all employees will be kept in service and if there is any case of dismissal, we are prepared to look into it. But this question is with regard to those people who are called "field workers". They are not members of the regular staff. As I have already stated, they are employed on certain conditions and the terms of appointment are mentioned in the appointment orders. If you will allow me, Mr. Speaker, I will read out......

Mr. Speaker: I will not allow; next supplementary.

Shri Damodara Menon: Now that a Corporation is going to be constituted, will Government consider it advisable to leave this matter of retrenchment of field workers to the Corporation?

Shri M. C. Shah: There is no question of retrenchment of field workers. As I have already indicated to the House, this is a normal practice in all the insurance companies. It is not unusual that the custodians have taken action. This practice has been there all these years. The field workers are employed on certain terms and conditions and action is taken according to those terms and conditions.

Shri A. K. Gopalan: May I know whether the Minister received any representation from an insurance company in Bombay where out of 30 employees, 16 have been dismissed a week back?

Shri M. C. Shah: If the hon. Member sends me the information, I will look into it and give a reply.

Shri A. K. Gopalan: I have sent it a few days back.

Mr. Speaker: Probably it is in the course of transmission.

Shri M. C. Shah: I will look into it, if you have sent it to me. I do not remember to have received it.

Shri Matthen: Will the Minister tell the House how many of these custodians have practical experience in insurance management and how many are mere armchair actuaries?

Mr. Speaker: It does not arise out of this question.

Shri M. C. Shah: All the custodians have enough experience of insurance business.

Shri Radha Raman: The hon. Minister just now stated that in the cases of field workers from whom complaints have been received, there are certain terms and conditions attached to their appointment; he also said that if a particular quota of business is not put through by such workers, some action is taken. I want to know whether in the case of those field workers who have been serving an insurance company for a pretty long time, and due to sudden nationalisation, if their business falls, the Government have given instructions to the custodians that either their services are allowed to continue or alternative employment may be given to them, so that they are not out of employment.

Shri M. C. Shah: We have already given instructions to all the custodians that if the volume of business mentioned in the terms and conditions of the appointment becomes less—not substantially—but somewhat less, then those appointments may not be terminated. We have asked them to deal with those cases with the utmost possible sympathy.

INDIAN COUNCIL FOR CULTURAL RELATIONS

***2259. Sardar Iqbal Singh:** Will the Minister of **Education** be pleased to state:

(a) the names of countries with which the Indian Council for Cultural Relations maintains regular contacts;

(b) the ways and means adopted during 1955 for developing such contacts; and

(c) whether any special effort was made during that year to further cultural contacts with neighbouring countries like Pakistan, Ceylon, Burma, the People's Republic of China and the U.S.S.R.?

The Deputy Minister of Education (Dr. M. M. Das): (a) The Council maintains regular contacts with all countries in West Asia, East Asia and South East Asia; in Africa with Sudan, East, West and Central Africa;.........Here, with your permission, Mr. Speaker, I want to correct a serious error that has crept into the cyclostyled copy of the answer supplied by our Ministry. After the words "Central Africa", it is mentioned there "in Europe with Spain and Portugal". This would mean that we have got cultural relations with Spain and Portugal alone in Europe. But, the fact is just the opposite; and we have got cultural relations with all the countries in Europe except Spain and Portugal.

(b) By exchange of books and publications, scholars and students; by maintaining classes of Indology in foreign Universities; and by appointment of cultural lecturers and teachers of Hindi abroad.

(c) Normal activities to further relations with our immediate neighbours were continued.

I might add that recently it has been decided that the programme of the Council this year should carry greater emphasis in our activities on the promotion of better understanding and closer cultural relations with our neighbouring countries, in particular, with Pakistan.

Sardar Iqbal Singh: May I know whether any effort has been made to revive cultural relations or to improve cultural relations with those countries where Indians live, especially in Africa?

Dr. M. M. Das: Yes, Sir.

Sardar Iqbal Singh: May I know the number of delegations that have been sent to Africa and West Indies where Indians live?

Dr. M. M. Das: I admire the hon. Member, who has put this question in such a manner that any supplementary will be declared relevant. But, it is a big subject. If details are asked, I am not in a position to give details.

Shri Bansal: Is it a fact that one gentleman was sent on behalf of this Council to Indonesia, and may I know if the Government has received any complaints either directly or indirectly about his anti-Indian activity in that country?

Dr. M. M. Das: No, Sir. We have not received any such complaint.

Shrimati Jayashri: I would like to know whether under this scheme scholarships are given to students to learn the foreign languages in those colonies?

Dr. M. M. Das: It is not a scheme. The question is about an autonomous organisation, that is mainly financed by the Government of India to revive and to strengthen and establish cultural relations between India and other countries.

NATIONAL SAVINGS SCHEME

***2260. Shri Sanganna:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the District organisers of the National Savings Schemes are paid less than their opposite number in the States; and

(b) if so, the reasons therefor?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). There is no opposite number in the State Governments to the District Organiser in the National Savings Organisation. So the question does not arise.

Shri Sanganna: May I know whether the District Organiser and the Assistant Organisers are gazetted officers?

Shri A. C. Guha: I do not think that the District Organiser of National Savings is a gazetted officer. I think he is not a gazetted officer.

TOBACCO

***2261. Shri V. B. Gandhi:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that Government have received representations for the withdrawal of the D. F. W. (Date of First Warehousing) restrictions for the storage of tobacco in bonded warehouses; and

(b) if so, the action taken thereon?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir.

(b) Under the existing provisions of Rule 145 of the Central Excise Rules, 1944, unmanufactured tobacco can be retained by the wholesale dealer in the warehouse for a maximum period of five years from the date of first warehousing. This period has been fixed excluding the period for which the tobacco was lying in the curing yard or curers bonded storeroom, prior to warehousing. On account of revenue and administrative considerations the request for withdrawal of these provisions relating to the date of first warehousing, could not be agreed to.

Shri V. B. Gandhi: May I know, in addition to the interests of the Government, whether the Government would also take the interests of the trade into consideration in deciding this period?

Shri A. C. Guha: Yes, Sir. I think for trade also, any period longer than five years plus the period prior to warehousing—that also may be one year—it may come to six years—would not be to their benefit because tobacco is likely to deteriorate even within six years.

Shri V. B. Gandhi: We have just been told that warehousing is permitted for a maximum period of five years. These five years are made up of three years under the rules, one year with the permission of the Collector and one year with the consent of the C.B.R. In view of the very persistent representation by tobacco trade, would the Government consider making the five-year period as the period permissible under the rules with a possible extension of one year as an experiment for five years to decide how much loss of revenue could take place?

Shri A. C. Guha: This extension up to five-year period, whether the discretionary extension of the Collector or the discretionary extension of the C.B.R. has been given very liberally and generously. There is no necessity for making the five years unconditional. I do not think there has been a persistent demand for such extension. Only one or two tobacco associations out of quite a number have represented to extend the period.

अजन्ता गुफा

***२२६२. श्री रघुनाथ सिंह :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि अजन्ता में एक नयी गुफा का पता लगा है ?

शिक्षा उपमंत्री (डा० एम० एम० दास) : जी, हां ।

श्री रघुनाथ सिंह : इन मूर्तियों का समय क्या है ?

Dr. M. M. Das: The details are not at present with us. We have written to the Circle Superintendent to supply the details.

आई० सी० एस० पदाधिकारियों का वेतन

***२२६३. डा० राम सुभग सिंह :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि आई० सी० एस० पदाधिकारियों के वेतनों में कमी करने के लिए एक योजना तैयार की गयी है ;

(ख) यदि हां, तो उस योजना की रूपरेखा क्या है; और

(ग) यह योजना कब तक कार्यान्वित की जायेगी ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : (क) जी नहीं ।

(ख) तथा (ग). प्रश्न ही नहीं उठते ।

Dr. Ram Subhag Singh: May I know the number of such officers who are in the service of the Central and State Governments and whether there is any proposal before the Government to bring down their salaries to the level of the Central services?

Mr. Speaker: That is part (a) of the question.

Dr. Ram Subhag Singh: He said, No.

Mr. Speaker: How can he make it Yes now?

Dr. Ram Subhag Singh: He can make that. The question was, whether it is a fact that a scheme has been formulated. He said, no. My question is whether there is any preparation to formulate such a scheme.

Shri Datar: No such scheme is under contemplation in view of article 314 of the Constitution.

Dr. Ram Subhag Singh: May I know whether there is any special justification or sanctity in not amending that particular article of the Constitution?

Shri Datar: There is the greatest sanctity to the Constitution itself.

Mr. Speaker: The Hon. Members will kindly bear in mind that any question that is put here must only be subject to the Constitution. If any hon. Member wants to move an amendment of the Constitution, there are other methods.

Shri A. M. Thomas: May I enquire whether the Home Ministry has taken note of the suggestion made on the floor of this House that the portion of the salaries of government servants above a particular limit should be held as compulsory savings for government servants and, if so, what has been the result? May I also enquire whether a circular has gone to the I.C.S. officers drawing above Rs. 3000 to have a voluntary cut in their salary?

Shri Datar: No such circular has gone to them at all. So far as the first part of the question is concerned, the hon. Member will rather ask the Finance Ministry.

ELECTORAL ROLLS

***2264. Shri Kamath:** Will the Minister of **Law** be pleased to state the manner in which the co-operation of the political parties and other organisations has been sought by the Election Commission in the task of revision of electoral rolls?

The Minister of Legal Affairs (Shri Pataskar): With a view to securing the co-operation of political parties in the preparation of rolls as accurately as possible, the Election Commission took the special step of asking for the rolls prepared in 1955 to be made available for public inspection in or near each electoral area. The recognised political parties were addressed regarding this course of action and requested to persuade the public to inspect the rolls and notify the authorities of inaccuracies in the rolls.

Shri Kamath: May I know if any conferences have been held at the Central level or at the State level with the various recognised political parties—and at the State level with other non-recognised political parties also, *i.e.*, non-recognised at an all-India level?

Shri Pataskar: So far as I know at present no such conferences seem to have been held.

Shri Kamath: May I ask whether the Minister is aware that the electoral rolls published in 1955 showed a curious anomaly of reduction of electorate in Madhya Bharat, Madhya Pradesh and Bhopal while all the other States showed an increase in the electorate......

Shri B. S. Murthy: Andhra also.

Shri Kamath: The number of voters has been reduced in these three States, and if so, may I know if this matter has been taken up by the Election Commission in consultation with the other political parties, recognised and non-recognised?

Shri Pataskar: Yes. The Election Commission is anxious to consult all political parties, at least the recognised political parties, and I believe they will do everything possible to see that the rolls, when they are ultimately finalised, are as accurate as they can possibly be.

Shri Kamath: Is the Minister aware that the Opposition Parties have suggested to the Election Commission that they are prepared to give a list of all voters missing from the rolls prepared by the officers in the States, and if so, will the Election Commission have a joint scrutiny of these lists supplied by the Opposition Parties along with their own officers?

Shri Pataskar: I shall make enquiries if such lists have been supplied to the Election Commission.

Shri Kamath: We have offered to supply. If they accept we will supply.

Shri Pataskar: I am sure whenever they are supplied the Election Commission will undoubtedly take notice of them.

Shri H. N. Mukerjee: Has Government taken any steps regarding a matter to which I had drawn the attention of the Minister some time ago, that in spite of the Election Commission's general directive in the report, the Chief Election Officer of West Bengal informed certain Opposition Parties some time ago that he had no instructions regarding practically enlisting the co-operation of those parties in the revision of the electoral rolls?

Shri Pataskar: I would like to have notice of that particular matter. If the hon. Member were to put a question, I shall certainly make enquiries and find out how the matter stands.

'GOOD FRIDAY'

***2265. Shri Bibhuti Mishra:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that 'Good Friday' is not treated as a public holiday in the Income Tax Department in Bihar and Orissa Circles;

(b) if so, reasons thereof; and

(c) whether Government contemplate to issue instructions to the said Department to treat 'Good Friday' as a public holiday?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) and (c). Information is being collected and will be laid on the Table of the House in due course.

श्री विभूति मिश्र : जब तक सरकार के पास खबर आती है तब तक क्या सरकार बिहार सरकार के जो इनकम टैक्स के बड़े अफसर हैं उन को यह हिदायत देगी कि गुड फ्रायडे को पब्लिक हालिडे कर दिया जाय ।

श्री दातार : बिहार सरकार का प्रश्न नहीं , यह हिंदुस्तान की सरकार का प्रश्न है ...

श्री विभूति मिश्र : आप के डिपार्टमेंट के जो हेड हैं...

Shri Datar: When I was replying the hon. Member started speaking. Neither can I reply, nor can I hear.

Mr. Speaker: He may now reply, he has sat down.

Shri Datar: After understanding. Will he kindly repeat?

Mr. Speaker: Hon. members hereafter......

श्री विभूति मिश्र : मैं जानना चाहता हूं.....

Mr. Speaker: I will not allow मैं जानना चाहता हूं । Hon. Members will be patient. When they put the question, they must allow the Minister to reply and thereafter put the question. What is the good of cross-examining while he is answering? Therefore, I will not allow him to put the question. Shri Thomas.

Shri A. M. Thomas: May I enquire whether it has come to the notice of the Home Ministry that in spite of the fact that this day has been declared a Government of India public holiday, some universities like the Poona University have conducted examinations on this day, and if so, what action has the Government or the Ministry of Education taken?

Shri Datar: May I point out to the hon. Member that so far as the fixation of holidays is concerned, the Government of India in the Home Ministry do it so far as the Delhi and Simla offices are concerned? In respect of other Government of India offices in different places, it is the heads who actually settle the various holidays. The number has been fixed by us, namely 23, and the local heads of offices do use some discretion in changing the holidays here and there, provided the number is 23. So far as the universities are concerned, they are perfectly autonomous bodies and we cannot do anything with them.

श्री विभूति मिश्र : मैं जानना चाहता हूं कि बिहार और उड़ीसा सरकार के जो इनकम टैक्स डिपार्टमेंट के बड़े अफसर हैं, क्या सरकार उन को हिदायत करेगी कि आइन्दा से वे गुड फ्रायडे को पब्लिक हालिडे किया करें ?

Shri Datar: May I point out to the hon. Member that the Commissioners of Income-tax in Bihar and West Bengal consider that some holidays should be substituted especially because the number of Christian Government servants in those departments is very small?

CORDITE FACTORY, ARAVANKADU

***2266. Shri T. B. Vittal Rao:** Will the Minister of **Defence** be pleased to state:

(a) whether the workers' union in the Cordite Factory, Aravankadu has taken a decision to go on strike against the threatened retrenchment in the Factory;

(b) whether the union has submitted to the Government of India alternative schemes of production to obviate the necessity of retrenchment; and

(c) the action Government have taken in the matter?

The Minister of Defence Organisation (Shri Tyagi): (a) Yes.

(b) Yes.

(c) The suggestions referred mainly to possibilities of making alternative items for civilian consumption. The Government had considered this question even before the receipt of Union letter and certain civilian items of production are being undertaken by the Factory already. It was found, however, that the other suggestions of the Union were not practicable.

Shri T. B. Vittal Rao : May I know whether any employees were retrenched during last year and whether any are likely to be retrenched during this year?

Shri Tyagi: In this factory, the total number of surplus workers is 481. With regard to retrenchment, only recently the Defence Minister had laid a statement on the Table of the House and had announced that the date of retrenchment had been postponed to give enough opportunities for the liaison officer to find out alternative employments for those persons who were surplus. In connection with this factory, these 481 persons are now asked to appear at the gate twice a week and they are paid their full wages. The number is 481.

Shri T. B. Vittal Rao: In view of the fact that this factory has been manufacturing such important items like geliginite which is going to be very useful during the Second Five Year Plan for blasting purposes, for raising coal and building up blasting rocks, will Government consider full utilisation of this factory?

Shri Tyagi: For purposes of civilian requirements of this commodity there are other arrangements in the country, but whatever we can supply we have already undertaken to manufacture.

Shri T. B. Vittal Rao: May I know if the high power committee under the chairmanship of Sardar Baldev Singh visited this factory? What recommendations have they made with regard to this factory?

Shri Tyagi: I have no ready information at hand. I would like individual notice for this question.

Shri H. N. Mukerjee: May I know if the union's alternative schemes of production have been referred to the Planning Commission and to the several producing Ministries, and if so, will Government wait till there is a full report regarding the possibility of those alternative schemes before retrenchment is finally decided upon and given effect to?

Shri Tyagi: Such proposals are never put up to the Planning Commission. These suggestions made by the labour union of the factory were for the consideration of the factory administration. These proposals were duly considered, and whatever suggestion was adoptable has been adopted.

Shri Kamath: Has the Minister of Defence Organisation or the senior Minister had talks with the General Secretary of the All-India Defence Employees' Federation during the last two or three days on the subject of retrenchment in ordnance factories, and if so, what was the trend and outcome of these talks?

Shri Tyagi: Only yesterday the Executive Committee of the Defence Employees' Federation came to see me, about 20 of them. They had about two hours talk with me, and I hope they went satisfied.

Shri Kamath: About the postponement of retrenchment.

Shri Tyagi: They insisted that I should give them an indication as to till what time retrenchment has been postponed. I told them I could not give any indication of a date because it had been postponed to give the liaison officer the fullest opportunities of finding out alternative employment for them, and so long as he is busy finding appointments it will remain postponed, and when we find that there is no further possibility, retrenchment will be effected.

Shri Velayudhan: May I know how this retrenchment of so many persons takes place when they have been working for years together there? Is the size of the factory being reduced or is it being expanded?

Shri Tyagi: They have not been working there for a long time. The surplus labour had been just entering the factory without any work and getting pay. The Baldev Singh Committee reported and made a recommendation that in such cases the factory's work was disturbed and it was not working well on account of hundreds of unemployed workers roaming about in the factory. So, they recommended and we asked them to sit at the gate outside and come for their pay till they were properly retrenched.

Dr. Lanka Sundaram: The Minister said just now that as a result of the discussions with the committee of the Federation yesterday, they went away satisfied. May I know whether he was given an indication that the strike notice already given will be withdrawn and that the strike will not take place at the end of this month?

Shri Tyagi: The strike was not discussed. In fact, they wanted to put one or two questions to me which they did.

I explained to them the position. And my feeling was that they were satisfied. But there was not settlement as such, nor were there any negotiations yesterday. They only wanted some clarifications, which I gave.

Shri Kamath: Wait till Monday, the 21st instant.

WRITTEN ANSWERS TO QUESTIONS

MADHYA BHARAT ROAD TRANSPORT SERVICE BILL

***2246. Shri Bahadur Singh:** Will the Minister of **Home Affairs** be pleased to state whether the President has given sanction to the introduction of "Madhya Bharat Road Transport Service Bill, 1955" in the State Legislative Assembly of the Madhya Bhart?

The Minister in the Ministry of Home Affairs (Shri Datar): Yes.

ARMY OFFICERS' TRAVEL PRIVILEGES

***2248. Shri Ramachandra Reddi:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a Junior Commissioned Officer and a full Colonel are both entitled to travel first class in trains;

(b) whether Government have examined this question from the point of view of "discipline" on which the Armed Forces function; and

(c) whether Government have further considered this matter in terms of the proposal to abolish II Class in Railway?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). Yes, Sir. All points of view, including the disciplinary aspect, were taken into consideration before the decision was taken.

(c) No, Sir.

योग्यता छात्रवृत्तियां

***२२५०. श्री भीखा भाई :** क्या **शिक्षा** मंत्री यह बताने की कृपा करेंगे कि अभी तक अनुसूचित जातियों और अनुसूचित आदिम जातियों के कितने विद्यार्थियों को योग्यता (मेरिट) छात्रवृत्तियां दी गई हैं ?

शिक्षा उपमंत्री (डा० के० एल० श्रीमाली) : अभी तक अनुसूचित जातियों व अनुसूचित आदिम जातियों के चौबीस विद्यार्थियों को सार्वजनिक स्कूलों में योग्यता छात्रवृत्तियां दी जा चुकी हैं ।

SURVEYOR GENERAL OF INDIA

***2251. Shri V. Muniswamy:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that a foreign national has been appointed as Surveyor-General of India and if so, what are the terms of contract; and

(b) the reasons as to why a foreigner has been appointed as the Surveyor General of India?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) The foreign national who was holding the post of Surveyor-General has vacated office on the 30th April, 1956. It has been decided that the post should hereafter be held by an Indian national.

(b) Does not arise.

SALARY OF GOVERNMENT OFFICERS

***2254. Shri Ibrahim:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Central Government Officers who are drawing more than three thousand Rupees a month as salary; and

(b) whether it is a fact that there is a proposal to bring down their salaries to the level of Ministers in the Central Government?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The up-to-date figure is not readily available, but there were 98 such officers in April 1955, excluding incumbents of certain statutory posts whose salaries are prescribed either by the Constitution or by an Act of Parliament.

(b) No.

ELECTION TRIBUNALS

***2257. Shri Bhagwat Jha Azad:** Will the Minister of **Law** be pleased to state:

(a) how many elections to the Lok Sabha have been set aside by the various tribunals up-to-date; and

(b) the number of cases still pending with them?

The Minister of Legal Affairs (Shri Pataskar): (a) Nine.

(b) Two.

EXCISE DUTY ON ART-SILK

***2267. Shri S. C. Samanta:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the revised rates of Excise Duty have hit the interests of the manufacturers of rayon or art silk;

(b) if so, in what way; and

(c) the amount realized from excise duty on art silk in 1955?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). I presume that the question relates to the position as it existed before 1st January, 1956. Since then, the rates of compounded excise duties on art silk fabrics have undergone a further change, the effect of which has been generally beneficial to the art silk industry taken as a whole.

(c) The amount of Central Excise Duty including Additional Excise Duty (cess) of 3 pies per square yard realised during the period from 1st January to 31st December, 1955, is Rs. 35,83,000.

ARMY OFFICERS' TRAVEL PRIVILEGES

***2268. Shri Ramachandra Reddi:** Will the Minister of **Defence** be pleased to state:

(a) whether Army Officers upto certain ranks are allowed free Railway travel upto 600 miles only; and

(b) whether it is not considered as a hardship to the military personnel belonging to South India who are posted to North Indian Military stations due to the paucity of such military stations in the South?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir.

(b) As it is not possible to consider the grant of free railway travel irrespective of any limit, the imposition of any limit is likely to affect such military personnel as would like to undertake journeys longer than 600 miles. It cannot, however, be said that the limit operates harshly only against such personnel belonging to South India. It would operate adversely against personnel from any part of India serving in other parts of India far away from their homes.

It may, however, be pointed out that in the case of personnel anxious to visit their homes, they are entitled to free conveyance by rail on annual leave once on completion of the first year of commissioned service, and thereafter once in every alternate calendar year. The free travel concession referred to in clause (a) of the question is an additional concession which they could avail of during such years in which they are not entitled to free warrant upto their homes and back and it is, therefore, felt that no member of the Forces is likely to experience any hardship in visiting his home at frequent intervals.

CANTEEN STORES DEPARTMENT

***2269. Shri B. S. Murthy:** Will the Minister of **Defence** be pleased to refer to the reply given to the first supplementary raised on Starred Question No. 328 on the 14th December, 1955 and state:

(a) the total amount of profit deposited so far by the Canteen Stores Department;

(b) whether any decision has been taken to distribute a portion of the profit among its employees; and

(c) if so, the amount allocated for this purpose?

The Deputy Minister of Defence (Sardar Majithia): (a) Of the total profit of Rs. 118·40 lakhs earned by the CSD(I) from the 1st January 1948 to the 31st March, 1955, a sum of Rs. 60·99 lakhs has been transferred to the organisation's reserve fund.

(b) No.

(c) Does not arise.

SOLAR ENERGY

***2270. Shri Ibrahim:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state the progress made in the scientific investigation on the exploration and utilisation of solar energy in India during 1955?

The Minister of Natural Resources (Shri K. D. Malaviya): A statement giving the required information is laid on the Table of the House. [*See* Appendix XIII, annexure No. 44.]

RESERVE BANK OF INDIA

***2271. Sardar Iqbal Singh:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No.1539 on the 28th March, 1955 and state:

(a) whether the question of appointing the Reserve Bank of India as the sole banker of all the State Governments has been finalised; and

(b) if so, the nature of decision?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). The Government have considered this matter and it has been decided that the question of custody of public monies in states should be regulated by agreement between the State Governments and the Reserve Bank of India. It is accordingly proposed to amend Sections 20, 21 and 21A of the Reserve Bank of India Act, 1934. Necessary provision in this behalf has been made in clause 99 of the States Reorganisation Bill, 1956, which is now before the Parliament.

बुद्ध जयंति

***२२७२. श्री भक्त दर्शन :** क्या **शिक्षा** मंत्री १७ अप्रैल, १९५६ के तारांकित प्रश्न संख्या १५४१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या महात्मा बुद्ध की २५०० वीं जयन्ती के अवसर पर प्रतिष्ठित विदेशियों को आमंत्रित करने के प्रश्न पर अब तक कोई निर्णय कर लिया गया है; और

(ख) यदि हां, तो क्या उनके नामों तथा पदों का एक विवरण टेबल पर रखा जायेगा ?

शिक्षा उपमंत्री (डा० के० एल० श्रीमाली) : (क) नहीं, जी ।

(ख) प्रश्न उत्पन्न नहीं होता ।

अफीम

*२२७३ { **श्री रघुनाथ सिंह :**
श्री गिडवानी :

क्या **वित्त** मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि अभी हाल में पाकिस्तान से चोरी छिपे लाये जाते हुए २६ सेर अफीम पकड़ी गयी थी और उसे छिपा कर ले आने वालों के पास दो रिवाल्वर और गोलियां बरामद हुई थी ?

राजस्व और प्रतिरक्षा व्यय मंत्री (श्री ए० सी० गुह) यह ठीक है कि अमृतसर जिले में नांगली गांव के पास राज्य आबकारी विभाग के कर्मचारियों ने पाकिस्तान से आने वाले एक स्टेशन वैगन से २६ सेर अफीम बरामद की । अफीम लाने वाले गिरोह के पास एक रिवाल्वर और एक पिस्तौल थी ।

सोवियत तेल विशेषज्ञ

*२२७४. **डा० राम सुभग सिंह :** क्या **प्राकृतिक संसाधन और वैज्ञानिक गवेषणा** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रूसी तेल विशेषज्ञों ने भारत में टेकनिकल शिक्षा के सम्बन्ध में कोई सिफारिश की है ।

(ख) यदि हां, तो वे सिफारिशें किस प्रकार की हैं; और

(ग) क्या भारत सरकार ने उन पर विचार कर लिया है ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय) : (क) रूसी विशेषज्ञों ने, जिन्होंने दिसम्बर १९५५ से फरवरी १९५६ तक भारत का दौरा किया, भारत के विश्वविद्यालयों तथा अन्य शिक्षण संस्थाओं में भौवृत्तिकी शास्त्रज्ञों, भू-भौतिकी शास्त्रज्ञों तथा खनि इंजीनियरों को प्रशिक्षण देने के विषय में सिफारिशें की हैं ।

(ख) सिफारिशों से युक्त प्रतिवेदन की एक प्रति सदन के पुस्तकालय में प्राप्य है ।

(ग) सिफारिशें अभी विचाराधीन हैं ।

MINISTERS' TOURS

*2275. { **Thakur Jugal Kishore Sinha:**
Shri Asthana:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the procedure for sending information to the Members of Parliament of different States about the visit of Ministers differs from Ministry to Ministry inasmuch as some of the Ministries do not send any information at all; and

(b) if so, the reasons therefor?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). No procedure as such has been laid down in this regard. It is left to a Minister to send information to the Members of Parliament or other non-officials whom he wishes to meet in the course of a particular tour.

BUDGET LEAKAGE

***2276. Shri Kamath:** Will the Minister of **Home Affairs** be pleased to state:

(a) the progress so far made in the investigation of the case in connection with the leakage of Budget proposals for 1956-57; and

(b) when the *challan* is likely to be filed against the accused?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The matter is still under investigation.

STATES REORGANISATION

***2277. Shri Sivamurthi Swami:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any directive has been sent to all those States that are being effected by the States Reorganisation Bill, in respect of the following matters:

(i) not to remove or transfer any workshop or machinery or any other movable property of the State Government from such districts or areas that are likely to be transferred to the proposed new State;

(ii) not to enter into any agreement with any private agency for a long period without the permission of the Centre in respect of mines and other resources in the area that are to be transferred;

(b) if so, whether it has come to the notice of Government that Hyderabad State authorities are moving the work-shops from Tungabhadra area District Raichur including bull-dozers and tractors that are necessary for the reclamation of the eye-cut area of the Dam to make the land cultivable;

(c) whether it is a fact that Hyderabad Government are considering to complete the agreement with private agency in respect of diamond mines near Raichur;

(d) whether it is a fact that Mysore Government have called for applications for nearly two hundred appointments as probationers; and

(e) if so, the steps Government propose to take?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). No.

(c) The Government of India understand that no such agreement is under contemplation.

(d) The Government of Mysore have called for applications for 76 posts in the Medical, Public Health, Education, Revenue, Sales Tax, Accounts and Co-operative Departments, and according to the information available to the Government of India, are likely to call for applications to some other posts mostly in the public works department.

(e) The Government of India have drawn the attention of the Mysore Government to the desirability of avoiding the recruitment of a large number of probationers on the eve of the reorganisation of the State; where the recruitment of any such probationer is unavoidable, the State Government has been advised to throw recruitment to these posts open to candidates from as large an area as possible.

P.T.O. SCHEME

***2278. Shri B. S. Murthy:** Will the Minister of **Home Affairs** be pleased to refer to his reference in the Budget speech and state:

(a) the modifications to be made in the P.T.O. concessions; and

(b) the time from when the scheme will come into force?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The matter is still under consideration.

PRIVY PURSES

*2279. { **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 1558 on the 28th March, 1955 and state:

(a) whether any reductions have been made in the amounts of privy purses payable to former Indian Rulers, owing to succession since then; and

(b) if so, in which cases and by what amount?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) Mangal—Rs. 600 per annum (1956).

CENTRAL RESERVE POLICE

2089. Chaudhuri Muhammed Shaffee: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of complaints received by Government against the officers of the Central Reserve Police in India, from the 1st January, 1955 to the 31st March, 1956.

(b) the nature of such complaints;

(c) the action taken, if any; and

(d) the number of officers who have been given punishment?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Nil.

(b) and (d). Do not arise.

अन्धों और बहरों का कल्याण

२०९०. श्री भीखा भाई : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने अन्धों और बहरों की शिक्षा एवं देखभाल के लिये कोई प्रशिक्षण केन्द्र स्वयं या अन्य समाज कल्याण संस्थाओं द्वारा संचालित कराये है;

(ख) यदि हां, तो उनकी संख्या क्या है, और उनके नाम तथा पते क्या है;

(ग) क्या सरकार अन्धे और बहरों के अभिभावकों को अपने प्रतिपाल्यों (वार्डों) को इन संस्थाओं में प्रवेश करवाने में किसी प्रकार की सहायता देती है; और

(घ) यदि हां, तो किस रूप में ?

शिक्षा उपमंत्री (डा० के० एल० श्रीमाली) : (क) नहीं, जी ।

(ख) से (घ). प्रश्न उत्पन्न नहीं होते ।

EDUCATED UNEMPLOYED

2091. Shri Ram Krishan: Will the Minister of **Education** be pleased to state:

(a) the amount of financial assistance given to the Government of PEPSU during 1954-55 and 1955-56 for the relief of educated unemployed; and

(b) the number of persons benefited by this Scheme District-wise?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) The following amounts were sanctioned:

1954-55—Rs. 14,63,700
1955-56—Rs. 12,48,250

(b) 1954-55 — 1801 in addition to 699 appointed during 1953-54
1955-56 — 100 in addition to 2,500 appointed upto the end of 1954-55.

District-wise information is not available.

CENTRAL EXCISE DEPARTMENT STAFF, PEPSU

2092. Shri Ram Krishan: Will the Minister of **Finance** be pleased to state the names of the places in PEPSU where residential accommodation for the Staff of the Central Excise Department will be constructed?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Bhatinda is the only place in PEPSU where residential accommodation for the staff of the Central Excise Department is proposed to be constructed at present.

NAGPUR HIGH COURT JUDGES

2093. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the number of judges in the Nagpur High Court is at present below the sanctioned strength;

(b) if so, whether work has been piling up during the last few months; and

(c) the steps proposed to be taken to restore normalcy in the Nagpur High Court?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). Just at present there are 9 Judges on the Bench of the Nagpur High Court against the sanctioned strength of ten. Proposals for filling the vacancy are awaited from the Government of Madhya Pradesh.

Meanwhile to deal with the increasing work Shri P. P. Deo, retired Judge of Nagpur High Court, was appointed to sit and act as a Judge of the Nagpur High Court under Article 224 of the Constitution for the period from the 1st March 1956 to 15th April, 1956.

STENOGRAPHERS' EXAMINATION

2094. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that stenographers in the Ministries and attached offices of Government have been allowed age concession so as to enable them to appear in the stenographers' examination to be held by the Union Public Service Commission;

(b) whether stenographers in the subordinate offices of Government have not been allowed such relaxation of age limit; and

(c) if so, the reasons therefor?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) No relaxation has been allowed.

(c) Attention is invited to part (b) of Question by Shrimati Anusayabai Borkar No. 805 answered in the House on the 9th April 1956. The position stated therein still holds good.

TRAINING IN COST ACCOUNTING

2095. Shri B. S. Murthy: Will the Minister of **Finance** be pleased to state:

(a) whether any officers have been deputed abroad for training during 1954-55 and 1955-56 in the modern methods of cost accounting and if so, the number of officers selected and the places of training; and

(b) the steps taken for providing facilities for cost accounting in the various major projects of the Central Government?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). The information is being collected and will be laid on the Table of the Lok Sabha in due course.

ALL INDIA COUNCIL FOR SECONDARY EDUCATION

2096. Shri Ram Krishan: Will the Minister of **Education** be pleased to lay a copy of the recommendations recently made by the All India Council for Secondary Education on the Table?

The Deputy Minister of Education (Dr. K. L. Shrimali): A copy of the Agenda and the recommendations made by the All India Council for Secondary Education in its Second Meeting held on the 11th January, 1956, is laid on the Table of the Lok Sabha. [*See* Appendix XIII, annexure No. 45.]

AUXILIARY CADET CORPS

2097. Shri Krishnacharya Joshi: Will the Minister of **Defence** be pleased to state:

(a) whether the committee appointed with the Deputy Minister as the Chairman to examine the method and syllabus of training in the Auxiliary Cadet Corps has completed its work; and

(b) if so, its main recommendations?

The Minister of Defence Organisation (Shri Tyagi): (a) Yes, the report of the Committee is under consideration.

(b) Broadly speaking, the Committee has recommended that cadets should be given training in the following basic subjects:—

(i) Practical citizenship.

(ii) Physical training.

(iii) Team games.

(iv) Drill.

(v) First Aid, Sanitation and Hygiene.

The Committee has recommended that in addition arrangements should be made for training in arts and crafts, social service work and for elementary weapon training and firing practice with ·22 rifles.

The Committee has made a number of other recommendations to improve the efficiency of the Auxiliary Cadet Corps.

REMOVAL OF UNTOUCHABILITY

2098. Shri Balakrishnan: Will the Minister of **Home Affairs** be pleased to state the amount which was given to Madras State under the Scheme of Removal of Untouchability in the year 1954-55?

The Minister in the Ministry of Home Affairs (Shri Datar): Rs. 19,000 (Rupees Ninteen thousand only).

प्रतिरक्षा मंत्रालय के ठेके

२१००. **श्री अमर सिंह डामर** : क्या **प्रतिरक्षा मंत्री** यह बताने की कृपा करेंगे कि ठेकों के आधार पर नियुक्तियां करने के लिये १ जनवरी, १९५३ से प्रतिरक्षा मंत्रालय में कौन कौन से विभिन्न प्रकार के ठेके प्रचलित हैं ?

प्रतिरक्षा संगठन मंत्री (श्री त्यागी) : सूचना एकत्रित की जा रही है और जितना शीघ्र सम्भव हो सकेगा सभा-पटल पर रख दी जायेगी ।

COLOMBO PLAN

2101. Shri Krishnacharya Joshi: Will the Minister of **Finance** be pleased to state the names of the countries where Indian experts were sent under the Colombo Plan during 1955-56?

The Deputy Minister of Finance (Shri B. R. Bhagat): Indonesia, Nepal and Singapore.

REHABILITATION DEPARTMENT OF TRIPURA STATE

2102. Shri Biren Dutt: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any rules of procedure are followed in the matter of promotion of employees in Rehabilitation Department in Tripura;

(b) if so, what is the appropriate authority to implement these rules; and

(c) whether it is a fact that in very many cases, these rules are not adhered to?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) State Government.

(c) No.

GRANTS FOR BASIC AND SOCIAL EDUCATION TO MYSORE

2103. Shri Shivananjappa: Will the Minister of **Education** be pleased to state the amount of grants given to the Mysore State during 1955-56 to promote basic and Social education and the amount proposed to be given during the year 1956-57?

The Deputy Minister of Education (Dr. K. L. Shrimali): A total amount of Rs. 1,30,928 was sanctioned during 1955-56. The amount of grants that will be sanctioned for 1956-57 will depend upon the State Government's proposals that may be approved for central subsidy under Schemes of Educational Development for promotion of Basic and Social Education under Second Five Year Plan.

TEMPLE OF MALLIKARJUNA SWAMY

2104. Shri Gadilingana Gowd: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that an All-India Committee, constituted for the purpose of the renovation of the temple of Shri Mallikarjuna Swamy at *Srisailam* in Kurnool district, has requested the Union Government for its repair and renovation; and

(b) if so, the steps Government propose to take in the matter?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) Does not arise.

EXPENDITURE ON TRIBES

2105. Shri N. L. Joshi: Will the Minister of **Home Affairs** be pleased to state:

(a) the amount of expenditure incurred by Government for the progress of the tribals living in non-scheduled areas in the country during the years 1954-55 and 1955-56; and

(b) the *per capita* expenditure incurred by Government for their progress in Madhya Bharat in those years?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

पाकिस्तान से सरकारी कर्मचारी

२१०७. श्री एम० एन० सिह : क्या **गृहकार्य मंत्री** यह बताने की कृपा करेंगे कि :

(क) भारत में ऐसे कितने कर्मचारी हैं जिन्होंने वर्ष १९४६ में पाकिस्तान में रहने की इच्छा प्रकट की थी किन्तु जब अन्तिम निर्णय हुआ तो वे १९५० में पाकिस्तान से भारत में आ गये ;

(ख) क्या इन कर्मचारियों द्वारा पाकिस्थान में अथवा अविभाजित भारत में की गई सेवा, उनके वेतन, उन्नति, स्थायी बनाये जाने तथा निवृत्ति-वेतन आदि के मामले में गिनी जायेगी;

(ग) क्या सरकार ने इस सम्बन्ध में कोई निर्णय कर लिया है;

(घ) यदि नहीं, तो किस समय तक निर्णय कये जाने की संभावना है; और

(ङ) क्या यह निर्णय उन लोगों पर भी लागू होगा, जो निर्णय की घोषणा से पहले सेवा-निवृत्त हो जायेंगे ?

गृहकार्य मंत्रालय में मंत्री (श्री दातार) : (क) १९५१ में एकत्र की गई सूचना के अनुसार ४९३६ ऐसे व्यक्तियों ने, जिन्होंने पाकिस्तान में कार्य करने की इच्छा प्रकट की थी, पुनः भारत सरकार में आने के लिये प्रार्थना की ।

(ख) तथा (ग). ऊपर (क) में कथित जिन व्यक्तियों को भारत सरकार में वापस ले लिया गया है उनको यथा सम्भव उनके वेतन पदोन्नति तथा स्थायी बनाये जाने के लिये उनकी पूर्व सेवा का लाभ दिया गया है । उन्हें भारत के लिये इच्छा प्रकट करने वाला समझा जाये तथा पैन्शन सहित सब मामलों में उनकी पूर्व सेवा को गिने जाने के प्रश्न पर अभी पाकिस्तान सरकार से बातचीत हो रही है ।

(घ) अभी यह कहना सम्भव नहीं है कि इस विषय पर अन्तिम निर्णय कब तक हो जायेगा ।

(ङ) फिलहाल यह विचार है कि निर्णय से पूर्व सेवा-निवृत्त होने वालों पर भी यह निणय लागू हो ।

I.A.S. AND I.C.S. OFFICERS

2108. Shri K. P. Tripathi: Will the Minister of **Home Affairs** be pleased to state:

(a) whether there were any I.C.S. and I.A.S. officers on 1st January, 1956 in the Central Secretariat and its attached offices who were holding the same posts of the status of Joint Secretary and above for more than 6 years;

(b) if so, who were they and which were those posts; and

(c) the number of these officers who were holding posts in the Ministry of Home Affairs?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) A statement giving the information is laid on the Table of the House. [*See* Appendix XIII, annexure 46.]

(c) One.

युद्धोत्तर पुनर्निर्माण निधि

२१०९. श्री भक्त दर्शन : क्या **प्रतिरक्षा मंत्री** यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भूतपूर्व सैनिकों के युद्धोत्तर पुनर्निर्माण निधि का जो धन राज्यों को वितरित किया गया था, उसके बारे में प्रतिरक्षा मंत्रालय को प्रगति रिपोर्टें नियमित रूप से मिलती रहती हैं ;

(ख) यदि हां, तो विभिन्न राज्यों को प्रारम्भ में कितनी कितनी धन राशियां दी गई थीं ;

(ग) अब उन राज्यों में से प्रत्येक में कितनी कितनी धन राशियां शेष है; और

(घ) ये रकमें किन किन मदों पर खर्च की गई हैं ?

प्रतिरक्षा उपमंत्री (श्री सरदार मजठिया) : (क) भूतपूर्व सैनिकों के युद्धोत्तर पुनर्निर्माण निधि का जो धन विभिन्न राज्यों को दिया गया था, उसके व्यय के सम्बन्ध में सरकार को नियमित रूप से प्रगति रिपोर्टें नहीं मिल रही हैं ।

(ख) से (घ). सूचना एकत्रित की जा रही है और जितनी जल्दी सम्भव हो सकेगा सभा-पटल पर रख दी जायगी ।

MINERAL DEPOSITS

2110. Shri Bheekha Bhai: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that Udaipur, Dungarpur and Banswara districts have got rich mineral deposits *e.g.* manganese, iron ore, zinc, mica, Beryl; and

(b) if so, whether Government have undertaken intensive geological survey of these areas?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) A general regional geological survey of these districts has been done some years ago and detailed remapping is now being carried out by the Geological Survey of India near Zawar. The State Government is also carrying out prospecting operations for lead ore near Rikhavdeo and has completed prospecting for iron ore near Nathara-ka-pal.

LIGNITE

2111. Shri B. S. Murthy: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether lignite is available in Tatipaka, Ragob Taluq, East Godavari District, Andhra; and

(b) if so, the quality and the amount of lignite available?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). No information is available with the Geological Survey of India regarding any lignite deposit in the area.

ALUMINIUM

2112. Shri B. S. Murthy: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any attempt has been made to ascertain the quality and quantity of aluminium available in Karempredi, Guntur District, Andhra; and

(b) if so, the results thereof?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). No information is available with the Geological Survey of India or the Indian Bureau of Mines regarding any occurrence of aluminium (Bauxite), in Karempredi, Guntur District, Andhra State,

MILITARY COLLEGE, DEHRA DUN

2113. Shri B. S. Murthy: Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 1626 on the 21st April, 1956 and state:

(a) when the last U.P.S.C. selection test was held and the number of Scheduled Caste and Scheduled Tribe candidates who qualified; and

(b) the number of those finally given admission to the Military College, Dehra Dun?

The Deputy Minister of Defence (Sardar Majithia): (a) The last U.P.S.C. examination for the selection of candidates for admission to the Military College was held on the 16th and 17th January, 1956. No candidate belonging to Scheduled Castes or Scheduled Tribes qualified at that examination.

(b) Does not arise.

INCOME TAX AND AUDIT DEPARTMENTS

2114. Shri A. M. Thomas: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that suits have been filed against the Central Government in Travancore-Cochin courts by the employees of the Income Tax Department and the Audit Department to get their grievances redressed;

(b) if so, whether Government will lay a statement on the Table showing the number of suits and the plaintiffs and the nature of reliefs sought; and

(c) whether Government have considered the merits of the case?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes.

(b) A statement is attached. [*See* Appendix XIII, annexure No. 47.]

(c) Yes.

STATE BANK OF INDIA

2115. Shri Gidwani: Will the Minister of **Finance** be pelased to state whether the emoluments of the Managing Directors of the State Bank have been revised since the State Bank of India Act was passed by Parliament?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The Managing Director of the Imperial Bank of India was in receipt of a salary of Rs. 7,500 per month and an entertainment allowance of Rs. 500 p.m. He was also receiving two months salary as bonus each year and the benefit of a free residence at Bombay and Calcutta and free conveyance. He was appointed as the first Managing Director of the State Bank of India and his remuneration was fixed by the Central Government at Rs. 4,500 per month *plus* house rent for his residence at Bombay, together with a personal allowance amounting to Rs. 2,000 per month in the first year from the 1st July, 1955 and Rs. 1,000 per month in the next year and 'nil' thereafter. The entertainment allowance of Rs. 500 per month which was discontinued on the establishment of the State Bank, was subsequently restored to the Managing Director. No bonus is admissible to the Managing Director since the inception of the State Bank. This was done on the recommendation of the Board of Directors of the State Bank as some subordinate officers were getting higher salaries.

A Second Managing Director was recently appointed by the Central Board of the State Bank and his remuneration was determined by the Board with the approval of the Central Government as required under Section 29(2) of the Act as indicated below:

Pay	Rs. 3000 p. m.
Compensatory allowance	Rs. 100 p. m.
House rent allowance	Not exceeding 12½% of pay in excess of the first 10% which will be borne by the officer.

NATIONAL ARCHIVES OF INDIA

2116. Shri S. C. Samanta: Will the Minister of **Education** be pleased to state:

(a) whether the National Archives of India is a permanent Department;

(b) the number of persons working at present;

(c) how many of them are permanent;

(d) whether there will be an increase in the staff of the Department during the Second Five Year Plan; and

(e) if so, how much?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) 355.

(c) 184.

(d) Yes, Sir.

(e) About 70.

GRANTS FOR LIBRARIES IN BIHAR

2117. Shri Ibrahim: Will the Minister of **Education** be pleased to state the amount that lapsed out of the grants given to the Government of Bihar during the year 1955-56 for the development of Libraries in the State?

The Deputy Minister of Education (Dr. K. L. Shrimali): The information has not been made available by the State Government so far.

DECORATIONS AWARDED BY FOREIGN GOVERNMENTS

2118. Mulla Abdullabhai: Will the Minister of **Home Affairs** be pleased to state the names of the Indian nationals who were honoured with deocrations by the foreign Governments during 1955 and 1956?

The Minister in the Ministry of Home Affairs (Shri Datar): A statement is placed on the Table of the House. [*See* Appendix XIII, annexure No. 48.]

ROYALTY ON MANGANESE AND IRON ORE

2119. Shri Deogam: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the rate of royalty on manganese and iron ore separately levied by different State Governments; and

(b) whether the Government of India contemplate to bring uniformity in the rate in case the rate of royalty differs from State to Sate?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Uniform rates of royalty have been laid down under the Mineral Concession Rules, 1949, which are applicable to all States in India. The present rates of royalty on manganese and iron ores charged by the State Governments are as follows:—

Manganese:	
(a) High Grade (45 per cent Mn and over).	Seven and a half per cent of the sale value at the pit's mouth subject to a minimum of Rs. 1/8/ Per ton.
(b) Low Grade (below 45 per cent Mn).	Seven and a half per cent of the sale value at the pit's mouth subject to a minimum of As. 12 per ton.
Iron ore:	
(a) Used for extraction of iron within the country.	Five per cent of the sole value at the pit's mouth subject to a minimum of annas eight per ton.
(b) Used for other purposes.	Five percent of the sale value at the pit's mouthsubject to a minimum of Re. 1 per ton.

(b) Does not arise.

LIFE INSURANCE COMPANIES

2120. Shri Ram Krishan: Will the Minister of **Finance** be pleased to state:

(a) the number of officers of the various Life Insurance Companies in India who are getting salary and allowances of Rs. 3,000 and above as total monthly emoluments (Company-wise);

(b) the number of such officers before nationalisation of Insurance business; and

(c) whether a list of such officers with their names, designations, salaries, allowances and other amenities will be laid on the Table?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). There were 35 officers in the various Insurance Companies transacting Life Insurance business who drew over Rs. 36,000 by way of total emoluments during 1955. After the Government took over the management of Life Insurance on 19-1-56, they have not effected any changes in the emoluments of the Employees.

(c). No. Under the proviso to section 116A of the Insurance Act, such information cannot be published.

INDIAN NAVY

2121. { Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Defence** be pleased to state:

(a) the steps taken by Government to replace the old ships of the Navy by new ones; and

(b) the total number of ships to be purchased during the Second Five Year Plan?

The Deputy Minister of Defence (Sardar Majithia): (a) A programme of replacement of ships in the Indian Navy has been accepted by Government and is being implemented in stages.

(b) It will not be in the interests of security to state the total number of ships to be acquired during the Second Five Year Plan.

GRANTS FOR BASIC SCHOOLS

2122. **Shri Madiah Gowda:** Will the Minister of **Education** be pleased to state:

(a) the cost of Basic School materials purchased by each State with the help of Central Government grant in 1955-56; and

(b) the names of the States that have distributed those materials fully or partly to the basic schools?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) and (b). The matter referred to in the question is primarily the concern of the State Governments.

POLYTECHNICS

2123. **Shri Hem Raj:** Will the Minister of **Education** be pleased to state:

(a) whether the Scheme for the opening of 40 new polytechnics under the Second Five Year Plan has been finalised;

(b) if so, the names of the places where they are proposed to be opened State-wise; and

(c) whether there is any proposal to open them in the backward areas of different States?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) to (c). A statement giving the required information is laid on the Table of the House. [*See* Appendix XIII, annexure No. 49.]

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

2124. **Shri Hem Raj:** Will the Minister of **Education** be pleased to state:

(a) the number of applications received by the Northern and Southern Regional Committees of the All India Council for Technical Education during 1954-55 (State-wise) with the names of the institutions; and

(b) the number of applications accepted and rejected (State-wise) during the same period with the names of the institutions?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) and (b). A statement giving the required information is laid on the Table of House. [*See* Appendix XIII, annexure No. 50.]

अनुसूचित आदिम जातियों के लिये अनुदान

२१२५. **श्री के० सी० सोधिया :** क्या गृहकार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अखिल भारतीय आधार पर अनुसूचित आदिम जातियों में काम करने वाली गैर-सरकारी संस्थाओं को केन्द्रीय सरकार द्वारा १९५५–५६ में कोई वित्तीय सहायता दी गई थी;

(ख) यदि हां, तो उनमें से प्रत्येक को अलग अलग कितनी कितनी राशि दी गई थी;

(ग) अपने क्षेत्रों में इन संस्थाओं द्वारा कौन-कौन से काम आरम्भ किये गये हैं; और

(घ) क्या सरकार इन संस्थाओं के कार्य की रिपोर्टें तथा इनकी आय और व्यय के वार्षिक विवरण प्राप्त करती है ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : (क) अनुसूचित आदिम जातियों में अखिल भारतीय स्तर पर काम करने वाले आदिम जाति सेवक संघ तथा अखिल भारत सर्व सेवा संघ को १९५५-५६ के दौरान में सहायक अनुदान दिये गये थे ।

(ख) (१) भारतीय आदिम जाति सेवक संघ—६३,००० रुपये

(२) अखिल भारत सर्व सेवा संघ २,००,००० रुपये

(ग) एक विवरण सभा-पटल पर रख दिया गया है [**देखिये परिशिष्ट १३, अनुबन्ध सं० ५१**]

(घ) जी हां ।

मध्य प्रदेश के ऋण

२१२६. **श्री के० सी० सोधिया :** क्या **वित्त** मंत्री सभा के टेबल पर यह दिखाने वाला एक विवरण रखने की कृपा करेंगे कि :

(क) मध्य प्रदेश सरकार द्वारा केन्द्रीय सरकार को देय वर्तमान ऋणों की कुल राशि

कितनी है और प्रत्येक ऋण की रकम अलग अलग क्या है;

(ख) उक्त रकम में से कितनी रकम पर ब्याज लिया जायगा और कितनी रकम ब्याज-रहित है ;

(ग) क्या इन ऋणों में ऐसी रकमें भी शामिल हैं, जिनका ब्याज और किश्तें प्रत्येक वर्ष अनिवार्य रूप से देनी पड़ती है;

(घ) यदि हां, तो उनकी रकमें क्या हैं;

(ङ) क्या सरकार राज्य सरकारों को इन ऋणों के भुगतान से पूर्णतया मुक्त या उनके भार को हलका करना चाहती है;

(च) यदि हां, तो किस तरीके से;

(छ) क्या किसी राज्य सरकार की ओर से केन्द्र के पास कोई ऐसा प्रस्ताव आया है; और

(ज) यदि हां, तो किस राज्य से ?

वित्त उपमंत्री (श्री बी० आर० भगत) : (क) फरवरी १९५६ के अन्त तक मध्य प्रदेश को केन्द्रीय सरकार को कुल जितना ऋण अदा करना था उसका ब्योरेवार विवरण इसी के साथ लगा है [**देखिये परिशिष्ट १३, अनुबन्ध ५२**]

(ख) २०.६५ करोड़ रुपये के कुल ऋण में से केवल १४ लाख रुपये का ऋण ब्याज मुक्त है ।

(ग) तथा (घ). खास खास मामलों को छोड़ कर, जिनमें ऋण चुकाने की अवधि अस्थायी रूप से बढ़ादी जाती है, ऋण वार्षिक किश्तों में ब्याज के साथ चुकाने पड़ते हैं ।

(ङ) तथा (च). नहीं, किन्तु सरकार का विचार है कि राज्यों को ऋण देने के सम्बन्ध में उपयुक्त शर्तें निश्चित करने का प्रश्न अगले वित्त आयोग को सौंप दिया जाय ।

(छ) तथां (ज). रियायती शर्तों के लिये समय गमय पर आवेदन प्राप्त हुए हैं जिन पर, उनकी विशेषताओं को देखते हुए, अलग अलग विचार किया जाता है ।

CENTRAL SOCIAL WELFARE BOARD

2127. Sardar Iqbal Singh: Will the Minister of **Education** be pleased to state:

(a) whether any sum has so far been spent by the Central Social Welfare Board on relief of persons otherwise physically fit but seriously handicapped owing to such curable eye disease as cataract Glycoma trichiasia, etc. in the State of Punjab and PEPSU;

(b) if so, the amount thereof; and

(c) the main feature of the scheme?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) and (c). Do not arise.

DEVELOPMENT OF ANDAMANS

2128. { **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Home Affairs** be pleased to state:

(a) what further steps have been taken by Government for the development of Andaman and Nicobar Islands during 1955; and

(b) the total amount spent on the development Schemes during 1955?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement giving the required information is placed on the Table of the Lok Sabha. [*See* Appendix XIII, annexure No. 53.]

PRESIDENT'S ASSENT TO BILLS

2129. Sardar Iqbal Singh: Will the Minister of **Home Affairs** be pleased state:

(a) the number of Bills passed by the Legislatures of Part A States which were reserved for the consideration of the President under Article 201 of the Constitution in the year 1955-56;

(b) the number of cases in which the Bills were returned for reconsideration of both the Houses of the State Legislature; and

(c) whether there was any such Bill to which assent was not given by the President finally?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) 136.

(b) One.

(c) No.

ASSISTANT SUPERINTENDENTS' EXAMINATION

2130. Shri B. D. Pande: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the result of the Assistant Superintendents' Examination held by the Union Public Service Commission in May 1955 has been announced; and

(b) if not, the reasons for the delay?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Candidates who failed to qualify at the written test have already been informed of the marks obtained by them. The results of those who qualified at the written test will be announced as soon as their personality test is completed.

(b) Delay is due to Commission's heavy programme of interviews.

BASIC SCHOOLS AND COLLEGES

2131. Shri Sanganna: Will the Minister of **Education** be pleased to state:

(a) whether the different State Governments have formulated any schemes for conversion of the existing schools and colleges into Basic schools and colleges during the Second Five Year Plan;

(b) if so, whether such a move was being continued from the First Five Year Plan; and

(c) the number of schools and colleges that have been converted to basic pattern so far in each State?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) Final schemes of State Governments for the Second Five Year Plan have not yet been received in this Ministry.

(b) Yes, Sir.

(c) This primarily concerns the State Governments.

NATIONAL SAMPLE SURVEY

2132. Shri B. S. Murthy: Will the Minister of **Finance** be pleased to state the progress made so far in the tenth round of the National Sample Survey Programme in the States of Andhra and Hyderabad?

The Deputy Minister of Finance (Shri B. R. Bhagat): Out of a total of 268 and 412 samples allotted to the States of Andhra and Hyderabad respectively for the 10th round of the National Sample Survey Programme, survey work has been completed in 199 and 282 samples respectively upto the 15th April, 1956.

SETTLEMENT IN ANDAMAN ISLAND

2133. Shri B. S. Murthy: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that certain families from Andhra were prepared to go to Andamans for settling down there but have not yet been given facilities for travelling in this connection; and

(b) the reasons for it?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). It was at first estimated that the available land for allottment to settlers would be about 3,000 acres. Accordingly, a provision for 600 families (at the rate of 5 acres per family) was made and Andhra was given a quota of 60 families. Later, however, it appeared that the area of cleared land which would be available would be much less than originally estimated, and therefore some of the States including Andhra, were asked to wait until further land could be made available.

TEACHING OF HINDI TO CENTRAL GOVERNMENT EMPLOYEES

2134. Shri Madiah Gowda: Will the Minister of **Home Affairs** be pleased to state with reference to the teaching of Hindi to Central Government Servants as published in para 81 page 48 of the report;

(a) how many examinations have been held so far, in Hindi for (category D) persons whose mother tongue is Tamil, Telugu Malayalam, Kannada and English;

(b) how many persons belonging to each one of those languages appeared and how many passed;

(c) how many are still undergoing coaching;

(d) whether any encouragement is given to those who pass these examinations; and

(e) how many such classes are organised outside Delhi?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The classes for teaching Hindi during office-hours to Category D officers started in Delhi in October 1955 and so far no examination has been held. An examination for this Category of officers will be held during this month.

(b) Does not arise.

(c) About 950 Central Government Servants of Category D have recently completed their first course of study and it is expected that about 50% of them will take the Hindi Prabodh Examination to be held soon. A fresh course for this category has started in Delhi and classes have also been organised at Bombay, Calcutta, Madras, Bangalore and Simla covering in all approximately 3,100 officers of Category 'D'.

(d) A proposal to give Cash awards under certain conditions to all persons who qualify in the Hindi examinations is under consideration.

(e) 96 classes for Category 'D' officials have been started up to date at Bombay, Calcutta, Madras, Bangalore and Simla.

INDIAN NAVY

2135. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Defence** be pleased to state whether the Government of India propose to add more warships and a fleet of sub-marines to strengthen the Indian Navy?

The Deputy Minister of Defence (Sardar Majithia): A programme for acquiring more ships for the Indian Navy has been accepted by Government and is being implemented in stages.

It is not proposed to acquire any submarines at present.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

2136. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Finance** be pleased to state the position of India in the last balance sheet of the International Bank for Reconstruction and Development?

The Deputy Minister of Finance (Shri B. R. Bhagat): A statement stating the position is laid on the Table of the House. [*See* Appendix XII, annexure No. 54.]

MAGNESITE MINES

2137. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the survey of the magnesite mines newly discovered in Punjab, Pepsu and Himachal Pradesh has been completed; and

(b) if so, the names of the places?

The Minister of Natural Resources (Shri K. D. Malviya): (a) and (b). No information is available with the Geological Survey of India regarding any new magnesite mines having been discovered in Punjab, Pepsu and Himachal Pradesh.

SECURITY PAPER MILL

2138. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Finance** be pleased to refer to the reply given to

Starred Question No. 562 on the 9th August, 1955 and state:

(a) whether the Security Paper Mill has since been established;

(b) if so, its location and when it will start functioning; and

(c) the total estimated cost of setting up the factory?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) to (c). The Security Paper Mill has not yet been established. Certain sites have been inspected by experts and their comparative merits and demerits are under examination. A provision of Rs. 2·5 crores has been included in the Second Five Year Plan for the establishment of this Mill.

BYE-ELECTIONS

2139. Shri Kamath: Will the Minister of **Law** be pleased to state:

(a) the number of bye-elections, State-wise, to the State Assemblies and to the Lok Sabha that have been held and concluded, from the 1st January, 1956 to the 3rd May, 1956;

(b) the votes polled by each candidate together with the party label, if any, in each of the bye-elections;

(c) whether all the bye-elections passed off peacefully; and

(d) if not, the nature of incidents that marred those bye-elections?

The Minister of Legal Affairs (Shri Pataskar): (a) and (b). Two statements containing the required information are laid on the Table of the House. [*See* Appendix XIII, annexure No. 55.] Information regarding party lebels in respect of certain candidates, which is not available at present, is being collected and will be laid on the table of the House when received.

(c) Yes.

(d) Does not arise.

EXCAVATIONS NEAR CALCUTTA

2140. **Shri K. K. Das:**
Shri Raghunath Singh:
Shri N. B. Chowdhury:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the site of a two thousand years old town has been discovered at a place 23 miles away from Calcutta; and

(b) if so, the details of the discovery?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) and (b). The information is being collected and will be laid on the Table of the House.

अफीम

२१४१. श्री रघुनाथ सिंह : क्या **वित्त** मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि कलकत्ता सीमा-शुल्क प्राधिकारियों ने ब्रिटिश मालवाही जहाज "एस० एस० इंचजुरा" की दस दिन तक तलाशी ली और २ मई, १९५६ को ६ मन अफीम बराद की ?

राजस्व और प्रतिरक्षा व्यय मंत्री (श्री ए० सी० गुहू) : कलकत्ता सीमा-शुल्क कर्मचारियों ने १९ अप्रैल १९५६ से १ मई १९५६ तक "एस० एस० इंचजुरा" की तलाशी ली। इस अवधि में उन्होंने तीन अलग अलग तारीखों को विभिन्न गुप्त स्थानों से कुल लगभग ३ मन ३० सेर अफीम बरामद की। फिर १ मई को उन्हें अफीम के आठ और टीन मिलें जिन्हें उन्होंने जब्त कर लिया किन्तु इन टीनों की अफीम को अभी ठीक तरह से तोला नहीं गया।

SANGEET NATAK AKADAMI

2142. Dr. Satyawadi: Will the Minister of **Education** be pleased to state:

(a) the conditions of the financial grants that are given by the Sangeet Natak Akadami to the various dance, drama and music organisations; and

(b) whether the aided institutions admit poor students free of charge for training in music and dance etc.?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) The following are the conditions of financial grant given by the Sangeet Natak Akadami:

(1) The Akadami provides grants for projects primarily in the nature of research, survey, development, revival or preservation of a particular art form which is in danger of becoming

extinct. It is, therefore, always necessary to give full details of the project for which financial assistance is required as also the exact estimate and extent of such assistance. Applications which make a vague or general demand for unspecified amounts or for general maintenance grants will not be considered.

(2) The Akadami can provide financial assistance only to those institutions or organisations which are entirely or mainly devoted to the work in the field of Dance, Drama and Music. The institutions or organisations whose activities are of a much wider nature do not come under the scope of the Akadami.

(3) All applications for financial aid must be accompanied by the constitution of the organisation applying, names of its office bearers, Auditors' statement of Accounts and a report of its activities and work during the last one year. They should also mention the amount of grant received from their State Government. It is not possible to consider any application without all this information.

(4) All applications for financial aid must come either through their respective State Governments or State Academies. No application can be considered unless it fulfills this condition and unless the institution or the organisation applying is also in receipt of a State or Academy grant.

(5) The Akadami has no budget or any provision for grants for building purposes.

(6) The Akadami does not give any financial assistance to institutions or organisations imparting elementary teaching in Music or Dance, or to Music Circles or Dramatic Associations organising musical demonstrations or dramatic performances.

(b) The Sangeet Natak Akadami does not make it a condition for its grants that the institution should admit poor students free of charge.

LOANS TO STATE CO-OPERATIVE BANKS

2143. **Thakur Jugal Kishore Sinha:**
Shri Asthana:

Will the Minister of **Finance** be pleased to state:

(a) the amount that has been advanced to various State Co-operative Banks in 1955-56 by the Reserve Bank of India for various purposes and the manner in which the amount was fully or partly utilised by the State Co-operative Banks; and

(b) the percentage of collections and arrears from different State Co-operative Banks, State-wise in 1955-56 regarding previous dues?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Two statements are placed on the Table of the Lok Sabha showing the amounts of short-term and medium-term loans for agricultural purposes sanctioned by the Reserve Bank of India to State co-operative banks during the period 1st July 1955 to 27th April, 1956. [*See* Appendix XIII, annexure No. 56.] Shrot-term loans are generally sanctioned for seasonal agricultural operations and marketing of crops whereas medium-term loans are meant for reclamation of land, bunding and other land improvements, preparation of land for orchards and plantations, minor irrigation works, purchase of livestock, machinery and transport equipment, construction of farm houses and cattle sheds, etc. Another statement is also placed on the Table showing the advances sanctioned by the Reserve Bank during this period for non-agricultural purposes relating to financing of production and marketing the products of approved cottage and small-scale industries. [*See* Appendix XIII, annexure No. 56.]

(b) There are no arrears in repayment of loans due from the State Co-operative Banks. The amounts outstanding but which have not yet fallen due for repayment are given in the statements mentioned above.

INCOME-TAX

2144. **Thakur Jugal Kishore Sinha:**
Shri Asthana:

Will the Minister of **Finance** be pleased to state the steps that have been taken to remit the income-tax payable in respect of the profits of the Co-operative Societies?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): Formerly, only the business profits of Co-operative Societies were exempt under a notification issued under section 60 of the Indian Income-tax Act, 1922. In 1955, the scope of exemption was enlarged by the insertion of necessary provision in the Act itself. These provisions are contained in sub-section (4) of section 9 and sub-section (3) of section 14 of the Act.

STATE BANK OF INDIA

2145. **Thakur Jugal Kishore Sinha:**
Shri Asthana:

Will the Minister of **Finance** be pleased to state the manner in which, the State Bank of India will be helpful in the expansion of the rural credit movement?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The branch expansion programme of the State Bank of India will bring banking facilities to rural areas and will provide vastly extended remittance facilities for co-operative institutions. The Bank will help the co-operative institutions connected with agricultural credit, marketing and processing by purchasing debentures of land mortgage bank, and making advances against pledge of produce. The State Bank's role in the context of the provision of credit facilities will be a growing one and will become significant only after some progress has been made in the establishment of co-operative warehouses, as envisaged in the Agricultural Produce (Development and Warehousing) Corporations Bill recently passed by the Lok Sabha and now awaiting the approval of the Rajya Sabha. The State Bank has made a beginning with the purchase of a block of debentures of a land mortgage bank. A "pilot" Scheme for providing credit to small scale industries at certain centres in the Bombay, Madras and Bengal Circles of the Bank has recently been drawn up and arrangements are now in progress to implement the Scheme. In the light of the experience gained from these pilot projects, a general scheme for providing credit in a co-ordinated manner by the State Bank and the institutional agencies concerned will be drawn up and extended to various centres in the country. For a more clear idea of the matter the Hon'ble member is referred to the relevant provisions of the State Bank of India Act, and the relevant chapter of the Rural Credit Survey Report Vol. II.

GRANTS TO SCHEDULED CASTES AND SCHEDULED TRIBES

2146. **Shri Deogam:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount of grant given by the Government of India during 1954-55 to the State Government of Bihar for the uplift of Scheduled Castes and Scheduled Tribes that was allowed to lapse; and

(b) the reasons thereof?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). So far as the Central grants given to Bihar during 1954-55 for the uplift of the Scheduled Tribes are concerned, attention of the Hon'ble Member is invited to the reply given on 25th August, 1955, to his Starred Question No. 1145 and the subsequent information laid on the Table of the House in this regard on 17th February 1956.

As regards Scheduled Castes, only a sum of Rs. 9,000 lapsed out of the Central grants-in-aid of Rs. 2·70 lakhs given to the Government of Bihar during 1954-55. The amount

lapsed is almost negligible and was due to non-implementation of certain schemes in full.

HINDI IN TRIBAL AREAS

2147. Shri Deogam: Will the Minister of **Education** be pleased to state:

(a) whether tribal areas are considered as non-Hindi speaking regions since tribals speak their own respective dilects;

(b) if so, whether any special schemes are launched by Government to propagate Hindi in tribal areas;

(c) the amount sanctioned so far for propagation of Hindi among the tribal people; and

(d) the names of places in different states where the special scheme for propagation of Hindi has been launched?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) N.E.F. which is the only tribal area with which the Government of India is concerned is a non-Hindi speaking region.

(b) and (c). Sums of Rs. 13877/8/- and Rs. 67,028 were sanctioned during the years 1954-55 and 1955-56 respectively, for the promotion of Hindi in N.E.F.

(d) Pasighat, Tuensang and Margherita in N.E.F. State Governments are concerned with other tribal areas in this respect.

NOTE—*Vide* footnote below column 3856.

This answer was later corrected by the Minister in the Ministry of Home Affairs (Shri Datar) *vide* Part I Debates dated 18-7-56, Cols 152-154 as follows:

"Our requirements are about 20 twice a year. Therefore we cannot accommodate others."

DAILY DIGEST

[*Wednesday*, 16th *May*, 1956]

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SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

Dated 11.3.2015

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Wednesday, 16th May, 1956.

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-30 A.M.

PAPERS LAID ON THE TABLE

AMENDMENTS TO IAS (RECRUITMENT RULES) AND IPS (RECRUITMENT) RULES

The Minister in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table a copy of each of the following Notifications of the Ministry of Home Affairs, under sub-section (2) of section 3 of the All India Services Act, 1951:

(1) Notification No. S.R.O. 1124, dated the 14th May 1956, making certain amendments in the Indian Administrative Service (Recruitment) Rules, 1954; and

(2) Notification No. S.R.O. 1125, dated the 14th May 1956, making certain amendment in the Indian Police Service (Recruitment) Rules, 1954.

[Placed in Library. *See* No. S-179|56]

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-THIRD REPORT

Sardar Hukam Singh (Kapurthala—Bhatinda): I beg to present the Fifty-third Report of the Committee on Private Members' Bill and Resolutions.

BUSINESS OF THE HOUSE

DISCUSSION ON SECOND FIVE YEAR PLAN

Shri A. K. Gopalan (Cannanore): With your permission, I wish to make the following statement on a matter of very great importance.

The time-table that has been fixed for the discussion of the Second Five Year Plan is such that it does not make it possible to have a full and thorough discussion on this extremely important subject. The document, covering 641 pages was made available to us on the 15th inst. But in order to make an effective contribution to the discussion, one has to study the document, digest it and think about the suggestions one wants to make.

It may be argued that at this stage we may have a general discussion regarding the broad principles of the Plan. Whatever useful purpose such discussion could have served at an earlier stage, today when the Plan has been finalised by the Planning Commission and Government, such discussion will be of little use. Principles had been discussed already in the consultative committee in which leaders of various parties and groups had participated. At this stage, the discussion has got to be mainly on the concrete proposals which attempt to give effect to those principles. We think that if more time is given to the various parties and interests represented in the movement, we shall be able to discuss thoroughly the proposals of the Plan and their implications. The discussion today will be of a cursory and superficial nature, more or less a repetition of the same kind of discussion that we have had till now.

The Plan is presented to Parliament in order that the Members of Parliament can make useful and constructive suggestions. Whatever differences may exist among the various parties in Parliament, all are agreed on the need to take measures which will rebuild our national economy. Therefore, the suggestions and proposals that we would make must be carefully thought out, and for this, more time is needed.

So, I make an earnest appeal to the Prime Minister to accept this proposal and take up the discussion of the Plan in the next session.

Shri N. C. Chatterjee (Hooghly): May I make one suggestion in modification of what my hon. friend has suggested? It is quite true that we require more

[**Shri N. C. Chatterjee**]

time to study the details of the Plan, but at the same time, we have seen comments made by one of the members of the Planning Commission that the Plan itself is not quite realistic, and we are perturbed over the financial aspect of the Plan, the danger of deficit financing, the artificial inflation of currency and so on.

Therefore, I would suggest that there should be general discussion as to the priorities and the objectives and the financial aspect of the Plan, and the detailed discussion with regard to the details of the Plan can stand over till the next session. It will be proper if public apprehension can be allayed by the Prime Minister and other Members giving us some idea that the Plan is realistic and not really unrealistic, and there is no danger that the Government's resources will not be adequate, so far as the financing of the Plan is concerned.

Dr. Lanka Sundaram (Visakhapatnam) : May I say a word? Yesterday at a meeting of the panel of chairmen of the various committees, at which the Prime Minister was good enough to be present, a recommendation was sought to be made—and I suppose it has been conveyed to you already—that chapters I to VIII will be discussed, and those chapters will be processed by all the four committees together in a joint session from today onwards, and the debate will be carried over to the next session. I wonder if a report has been given to you by the Deputy-Speaker who presided over the meeting yesterday.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Government are anxious that this House should give the fullest consideration to this important report of the Planning Commission. At the same time, I would like to point out that though this report was presented to Parliament only yesterday, yet for the last two or three months, the essential features of the report in the form of the draft outline of the report had been before the House and the country. So, it is nothing very novel. But I need not go into this matter.

I would like to inform the House of what happened yesterday, to which Dr. Lanka Sundaram has just drawn attention. Yesterday, a meeting of the chairmen of these four committees was being held under the chairmanship of the Deputy-Speaker. When this question arose about the postponement of this discussion, I was summoned, and I was glad to go there and to discuss this matter with the Members present.

As a result of that discussions, we arrived at this conclusion that we should have this discussion here in this House as arranged, from the 23rd of May onwards, for two or three days, as long as it lasts, that is, not exceeding three days—if it finishes a little earlier, well, it does not matter—and that this discussion should be largely confined to the first seven or eight—I forget now the numbers—chapters, that is, the general chapters of this report, dealing with the broad policies, the financial aspects, the structure of the Plan etc., and that the discussion should not be concluded during this session but carried over to the next session. I cannot yet give the exact date for the next session. I pointed out that the next session was likely to be a very crowded one, and we would have a very heavy work to face. So, the only way to give some time to this debate during the next session is to fix a date three days before the normal date which we might have otherwise fixed, and reserve those three days for this discussion. That is the position. And I think that this is a good understanding and compromise because I do think it is important that the discussion on this report should take place—it need not be completed—in this session. The country is seized of this report at present. They are reading it, and they would like to know what the Members of this House think of the principles.

What Shri A. K. Gopalan said in his note was that the discussion would largely concern itself about the projects. Well, it is open to hon. Members to speak about any project....

Shri A. K. Gopalan: I did not say, projects. I said. broad principles.

Shri Jawaharlal Nehru: This is what he has said :

> "At this stage, the discussion has got to be on concrete proposals'.

I am sorry. He did not say, projects. He said that the principles have been discussed already, and now we have to discuss concrete proposals.

Undoubtedly, it is open to the House, if it chooses, to discuss anything. But obviously, it seems to me not very much worthwhile for concrete proposals, in the sense of projects, to be discussed—not that I say they need not be discussed—because we shall rather be lost in each individual Member bringing in and saying something about a project, and attention being diverted from the basic approaches of this report.

I would invite any hon. Member or any group of hon. Members who are interested in discussing concrete projects etc. to discuss them separately with our Planning Minister, with the Planning Commission and with any of us. We shall give fuller attention to it.

But in so far as the discussion here is concerned, I should respectfully suggest that it should concern itself not only with the principles, but with the basic approach, and certainly the financial aspect, as the hon. Member opposite said, and other aspects, because although we have discussed those principles, and we have put them down, the more we think about these matters, the more we find that we have to think more, and the more we find how far-reaching everything is and how everything leads to something else, and how complicated all this business is. It is an odd thing that the more our capacity to plan increases, the more the complexities of planning appear. That si inevixities of planning appear. That is inevi-apart from other factors, if I may use the word, 360 million or so machines, human machines in this country, apart from the machines of metal and other things. We have discussed these principles with others, with experts from all manner of countries, men with great experience in their own countries, of planning or other matters. Those discussions have been very worthwhile and enlightening, not directly; they did not give a direct answer to our questions, because they could not. It is up to us to find our answer to our questions. But they gave us of their experience, and we came to certain conclusions, that while we can learn a great deal from abroad and while we should learn a great deal from abroad, we cannot answer our questions in terms of any other country. We have to find our own answers to those questions by the facts, statistics, appreciation and appraisals of things in this country.

My point is that these discussions are very helpful, and I am quite sure that a discussion in this House of the basic principles—approaches—will be helpful to all of us in our understanding of this problem. It will help the Planning Commission. As I mentioned rather briefly yesterday, the Plan is a Five Year Plan. Yet we have laid stress on its being a flexible Plan. We shall have annual plans. Obviously, some things have to be started now which will take five years to complete, or may be six years or seven years. But apart from that, we want to revise our Plan every year to see what we have done, what we have left undone, the difficulties, our resources and all that so that we may keep in touch with reality. That is one aspect.

The other aspect is the long perspective planning which goes beyond five years, may be to ten or fifteen years. I think we have made great progress in the country all over in developing a consciousness, a mentality of planning, even, if I may say so, from the village upwards. In the villages, it is slightly limited of course. But the broad consciousness of planning has been a great gain. Many people are thinking; experts, engineers, educationsts, economists, statisticians and all kinds of people are thinking in their own terms, and we have to co-ordinate all that. Here in this House, people representing different view points, different degrees of expert knowledge can help a great deal in throwing light on these broad principles.

So, Sir, I would suggest that the arrangement agreed to yesterday at the meeting of Chairmen of those Committees might be accepted by this House.

Mr. Speaker: May I know if any arrangement has been made regarding holding the meetings of these Committees?

Shri Jawaharlal Nehru: The Deputy-Speaker was there.

Sardar Hukam Singh (Kapurthala—Bhatinda): I am very sorry, Sir, that I could not convey to you what had happened yesterday at that meeting in time. We collected there yesterday, the Chairmen of the various Committees, to chalk out programme, as to how we should proceed in those Committees.

Shri Bansal (Jhajjar—Rewari): Who are the Chairmen?

An Hon. Member: The names have been circulated.

Mr. Speaker: The Deputy-Speaker is the Chairman of the Committee.

Sardar Hukam Singh: I was the Chairman of the Committee of those Chairmen that met yesterday. There are four Committees and four Chairmen. In addition to that, there is a panel for each Committee of two other hon. Members so that if the Chairman is absent, any one of them can preside over those Committees.

Dr. Lanka Sundaram: Total is fourteen.

Shri Matthen (Thiruvellah): We have not got the names.

Shri Bansal: Who are these four Chairmen ?

Mr. Speaker: We are branching off from one subject to another. If hon. Members are interested. I will ask a notice to be put up.

Sardar Hukam Singh: There were certain preliminary difficulties pointed out to us. The number of hon. Members who had offered themselves to take part in those discussions was 260, or rather above it. Perhaps it might not be possible for those Committees to meet during the hours Parliament was sitting; if all the four Committees worked simultaneously, the number of Members present in both Houses might be depleted and it might be difficult to find quorum even.

An Hon. Member: Even now, there is difficulty about quorum.

Sardar Hukam Singh: Then again, there was difficulty of finding four rooms at one time. We had only two. All these points were discussed. Then we decided that two Committees might meet at a time in the morning from 8 a. m. to 10-30 a. m. and two in the evening from 3 p. m. to 5-30 p. m. Subsequently the point was raised that because Members had not enough time to study the Report, it would be better if we postponed the discussion of this to the next session. Then we asked the Planning Minister whether he could agree to it. He wanted to consult the hon. Prime Minister. There was no question of the Prime Minister being summoned....

Dr. Lanka Sundaram: No, no.

Sardar Hukam Singh:....as he was pleased to remark. But he decided to come and take part himself. When he pointed out that it was better that we should start discussion of the Plan in respect of the broader principles, the general aspects of it, all of us did agree. We have fixed a meeting of all those Members who have expressed their desire to participate, this afternoon at 6 p. m. in the Central Hall. There, we will chalk out further programme. We came to an agreement yesterday that the first seven or eight chapters of the Plan would be brought under discussion. If you, Sir are free, I would request you to come over and guide the deliberations so that the future programme might be chalked out. We might spend three days for a preliminary discussion of the Plan and then take up detailed discussion during the next session.

Shri A. K. Gopalan: I want to make it clear that we are not against having a discussion even now. I only wanted to point out the difficulties, and also that it would be more effective if more time had been given so that concrete proposals could be put forward. As far as these proposals are concerned, the Prime Minister probably thought that when I spoke of concrete proposals, it referred to some projects. It is not that. I meant concrete proposals in terms of the general aspects. I will give an example. As far as the reources are concerned, it is an important thing. We can make some concrete proposals as to how resources can be got. If there is any difference of opinion, new suggestions about it might be put forward. That was what I wanted to make clear.

As far as the meetings of these Committees are concerned, with Parliament also sitting, difficulties might arise. In every Committee, at least 50 Members will be there. If the meetings are held after 6 O'clock, I do not think it will be very effective, and any contribution that might be made then might not be substantial. If there is to be only a general discussion these three days on the first seven or eight chapters, and the rest will be taken up next time where concrete proposals in respect of each item should be made, I have nothing to say against it. I only wanted to make the discussion more effective. It would have been better if three days were devoted to a discussion of the Plan on the general aspects now, and three days before the next session were taken up on further discussion, as the Prime Minister has already suggested. If the

Committees would sit up the whole day for three or four days before the next session begins in order to discuss the Plan, I think it would be more effective. But if the Prime Minister thinks that the other arrangement will be more effective, I have no objection.

Sardar Hukam Singh: We have tried to meet all those contingencies also and ultimately, we have come to this conclusion that instead of meeting every day in the morning and evening—when there might be danger of lack of quorum in both Houses—we should have a preliminary discussion today. Then there are three holidays before we begin the discussion. These Committees might meet for the same number of hours, say, 2½ hours every day. There are five days. That means, we will spend 12½ hours over this discussion. We can divide these 12½ hours or even more during these three days and finish the work, and then take up the discussion here on Wednesday. Perhaps that would be approved by the House.

Shri Kamath (Hoshangabad): May I make a brief request to you, Sir? If in spite of the difficulties to which the attention of the House, yourself and the Leader of the House has been drawn—difficulties in the way of a thorough study of the Plan during this session—you, in consultation with Government, decide to have a discussion during this very session, may I request you that, with a view to giving more time to a study of these matters, the discussions might be taken up from the 28th to the 31st and not from the 23rd to the 28th? The last 3 or 4 days, whatever it may be, may be given to this and other matters may be taken up earlier.

Shri Jawaharlal Nehru: The suggestion made by the hon. Member, Shri Kamath, would not be suitable at all. I think the present programme is more suitable, after the 23rd. As a matter of fact, there are gaps so that we can avail ourselves of those gaps. There are one or two important matters that have to be taken up at a slightly later stage and, possibly, if this debate ends on the 28th then, in two days we can finish those other matters too.

As for what Shri Gopalan said about the committees meeting a little earlier at the time of the next session,—two or three days earlier,—that, I suppose, can easily be arranged.

Shri Asoka Mehta (Bhandara): I would like you and the Prime Minister to consider this aspect of the question. We have the Reserve Bank of India (Amendment) Bill, which deals with some of the major problems that we have to face and a discussion of these problems is bound to come up when we discuss the broad and general principles of the Plan. It would, perhaps, be useful if we accept the suggestion that Shri Kamath made and have a discussion of this Bill before we take up the general discussion of the Plan. The Prime Minister just now said that rearrangement of the time-table is not possible. But, I would still request you and the Prime Minister to review and reconsider it.

Secondly, I have one more suggestion to make. As we are going to have some time for discussion of the Plan in the next session, may I request Government to make available to us by that time the *Progress Report of the First Five Year Plan*, for the last year and a half—it is not yet available to us—because only in the light of what we have been doing so far we can possibly come to grips with some of the problems. The Government may also place in our hands the actual Plan for the current year, because, as the Prime Minister pointed out to us yesterday, this Five Year Plan will be broken up into 5 annual Plans. It would be useful if we know that, because we will have an opportunity of discussing it every year. We would like to know, the next time we meet, what exactly are the proposals to be incorporated in the current year's plan, so that greater attention may be given to those proposals and that way the discussion may become more relevant.

Shri Bansal: I want to invite your attention to just one point. The Income-tax (Amendment) Bill, I think, is going to be introduced today. We do not know as to how much time will be allotted for the discussion of that Bill and when it will come up for discussion. If that is coming up for discussion before the 23rd, then, I think it will be difficult to begin the debate on the Planning Commission's Plan on the 23rd. In any case, perhaps, we will have to begin on the 24th. I would, therefore like to know when this Income-tax (Amendment) Bill is going to be taken up and how much time is going to be given to it.

The Minister of Parliamentary Affairs (Shri Satya Narain Sinha): It is not a big Bill, and, I think the House will not take more than half an hour to discuss that Bill.

Shri Kamath: One hour.

Shri Satya Narayan Sinha: That can come up any day; we can just find an hour for that; there is no difficulty about that.

Then, there is the Constitution (Tenth Amendment) Bill we have to bring it before the House on the 29th because it is a very important one. I am going to announce it officially on Friday that the Constitution (Tenth Amendment) Bill will be taken up on the 29th. If we can intervene any other business, it must be completed before the 29th.

Mr. Speaker: As the hon. Leader of the House said, we can have a discussion relating to the general principles. Of course, so far as the detailed proposals are concerned, there will be enough time before we meet again for the next session. These committees can meet three or four days before the session actually commences or it may even sit for a few days after the present session concludes.

Several Hon. Members: No, no.

Mr. Speaker: They may do as they like. They are free to meet now or to meet later on. Anyhow, some time will be provided for that. Therefore, the arrangement will be that the general principles regulating the Plan will be discussed.

So far as the suggestion that it may be taken towards the end of the session is concerned, it appears that the Constitution (Tenth Amendment) Bill is to be passed in this session and it can't be taken up before the 29th. We have to get along with this. As the hon. Leader of the House told us, the Plan has been before the House for some 3 months and no radical alterations have been made in it. There have been little changes here and there. Therefore, the present schedule will stand. Meanwhile, the committees may meet at such times as may be necessary to discuss the general principles which may have to be brought for consideration during the debate on this Plan for two or three days.

Shri Jawaharlal Nehru: Shri Ashoka Mehta was anxious that the Reserve Bank of India (Amendment) Bill should also be taken up before. But, I would suggest that we adhere to the programme you have been pleased to lay down. If we want that the Reserve Bank Bill should be taken up a little earlier, we can, by special agreement with the hon. Members opposite, take up the discussion on the working of the Preventive Detention Act a little later and take this Bill up a little earlier. Anyhow, it is a question of adjustment.

Shri Satya Narayan Sinha: The Business Advisory Committee will have to be consulted.

Mr. Speaker: We shall take it up later. Let us now proceed to other business.

INDIAN INCOME-TAX (AMENDMENT) BILL*

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922.

Mr. Speaker: The question is:

> "That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922."

The motion was adopted.

Shri A. C. Guha: I introduce the Bill.

REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL—*contd.*

Mr. Speaker: Now, the House will resume discussion on the motion moved by Shri Pataskar on the 15th May, 1956, that the Bill further to amend the Representation of the People Act, 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, as reported by the Select Committee, be taken into consideration.

The Minister of Legal Affairs (Shri Pataskar): Sir, I am glad to find that the motion that I made yesterday received general support from the Members of this House. The hon. Members, particularly, Shri Mukerjee.....

Mr. Speaker: The hon. Minister will kindly resume his seat. May I suggest to the hon. Members here that while the hon. Minister is replying to the debate on general consideration, heads of groups will meet and try to put the various clauses under different groups and also suggest informally the time that may be allotted for those clauses along with the amendments. That may go on concurrently.

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*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 16-5-1956.

12 NOON.

Shri Pataskar: As I was saying, the motion that I made yesterday has received the general support from the Members of this House who took part in the debate. As I had referred in my speech, there are certain points on which there has been some difference of opinion. Hon. Members, Shri Mukerjee, Shri Chatterjee, Shri More and Shri Agrawal were all members of the Select Committee and they took very keen interest in the proceedings. In the Select Committee these matters were considered from all possible points of view. When I made this motion, I also referred to many of the views which hon. Members hold. The first point, in particular, is about the party expenses. As hon. Members are aware, I dealt rather in detail with this matter. In my opinion, party expenses ought not to be included in the return of election expenses for a particular candidate for the simple reason that a party generally canvasses not for an individual candidate but for the views and policies it stands for. However, I know that this is a matter on which there is bound to be some difference of opinion. But I was surprised to find a reference made to the Congress Party that it had collected about Rs. 3 crores already. I do not know where the hon. Member, who made this statement, got the figure from (*Interruption*). Of course, all parties, whether, it is the Communist Party or Jan Sangh and the Congress Party, have to make provision for some general expenses in connection with elections. Let us not look at this question from the point view of one party or the other. If one party says that the other party has collected Rs. 3 crores, there is nothing to prevent the other party from saying a similar thing against the other or saying that it has collected something more and may also divulge the sources from which it was collected. I would, therefore, appeal that this question should not be looked at from the party point of view. So far as I am concerned, I belong to the Congress Party and I might say that the figure that was quoted by an hon. Member is without any foundation.

Shri Kamath (Hoshangabad): It is an under-estimate.

Shri V. G. Deshpande (Guna): It is a low figure.

Shri Pataskar: We are not discussing the question how much the Congress Party has collected, how much the Jan Sangh has collected or how much the Communist Party has collected and from what sources, but the question is simply whether the party expenditure should or should not be shown in the expenses of the individual candidate. On that point we have had a sufficiently long discussion and I think it would be much better ultimately to solve this question not by raising these points and casting aspersions, but by looking at the problem from the point of view of the principle itself. On that point I have nothing to add to what I have already said and I do not wish to tire the House by repeating that argument.

I was pained to find that Shri More somehow or other got a wrong impression—I want to correct that if it is so—that I wanted to ridicule his idea. On the contrary I might categorically say here that among the many hon. Members who were very helpful in the Select Committee, Shri More was one, and if at all on a particular matter his view could not be accepted by the rest of the Members, there is no reason to say therefore that somebody else was trying to ridicule it.

Shri Kamath: There was honest difference of opinion among Members.

Shri Pataskar: Certainly I do hold a different view. Whatever may be the case about compulsory voting in certain other countries like Belgium and Australia, to my mind in this country it is impossible. Of course, I may say that I would be the last person to ridicule that idea; I am far from ridiculing any such idea. Particularly I would say publicly that in the Select Committee we received not only the co-operation of Shri More but also Shri Chatterjee, Shri Mukerjee and others who gave us full support. Just look at this problem not from the point of view of one party or the other, but from the point of view of what should be laid down generally as the electoral law in the interest of the country itself. I feel that in the case of Belgium and Australia, they are too small countries and the conditions there are also different from ours. So far as

[Shri Pataskar]

our conditions are concerned, it seems rather difficult for us to have compulsory voting. I have already given reasons. What struck me yesterday was that even if we force a man to go to the polls, you have still got instances that the people who go there do not put their votes in the ballot boxes. Of course, a time may come when we can have compulsory voting but we have to wait for some more time.

Similarly, on the question of filing of return of election expenses, there was a general discussion of the Bill itself; we had a full discussion also in the Select Committee. Ultimately we have found a solution by which we have eliminated the complicated return of election expenses. Now the election expenses are to be kept only between two definite periods; the period is not as vague as in the past. A copy of the accounts should be filed by every candidate. Of course, there have been suggestions. Shri Chatterjee thinks that if the accounts are filed earlier, it may be taken advantage of by some other party or individual or defeated candidate to file an election petition. But we cannot avoid always some wrong use made of things which in the general and broader interest of the society have to be done. If at all we do not believe in the filing of accounts, how are we to enforce a maximum limit on these expenses? Then, we can also carry out our intention that there should not be excessive expenditure incurred by candidates who can afford to do it. If we want to put a limit on the amount of expenses to be incurred, some sort of filing of accounts is absolutely necessary.

There is another matter which was discussed at length. Formerly there was a proposer and there was a seconder and there were so many things which led to certain difficulties. Now we have eliminated the seconder: What we require is that there should be a proposer and I still believe that it is necessary. A candidate may fall ill at the eleventh hour. In that case it is better that there is a provision by which the proposer can propose the name and file the paper in respect of the candidate. It was suggested that he might authorise him in such case with a power of attorney; but it may again lead to other difficulties, whether the power of attorney is proper or improper and so on. Our provision will avoid all those complications and difficulties. It will never be difficult for a person to find only one person, that is, the person who proposes his name, for this purpose. Considered from every point of view, the present provision is good.

Mr. Speaker: What is the harm if we have some formalities?

Shri Pataskar: I argued this yesterday. If at all he has to be elected, there must be at least one person to say that he may be elected. But these are all matters where much can be said on both sides.

Then there was a proposal that there should be an immediate counting of votes. Nobody wants that there should be any unnecessary or avoidable delay in such matters. I mentioned the case of Bombay and Madras where there was not as much delay as in other States.

Shri S. S. More (Sholapur): Even in Bombay State, there was lot of delay in some of the divisions.

Shri Kamath: In Madhya Pradesh there was five weeks' delay.

Shri Pataskar: I find from the report that there was not as much dealy in Bombay and Madras as elsewhere broadly. So far as the provisions are concerned, they are almost the same as in the U. K. Here we have a large country where the means of transport are not sufficient and we have got so many other difficulties. Apart from that, I was told that if at all the counting had to be done at every place, it would be difficult to find the necessary presiding officers for all the booths. Who will be the people in whom people will trust? Probably that will lead to more complaints of partiality and all sorts of things.

Shri Kamath: Polling agents cannot be everywhere.

Shri Pataskar: For example, for a Parliamentary seat, there are as many as 400 booths and it may be difficult for every candidate to find so many agents for the booths. Of course, we desire that counting should be done as early as possible after the polling.

Shri Kamath: Put it in the rules.

Shri Pataskar: The difficulty will still be there, whether it is done by rules or law.

Everything should be finalised before we go to the polls and that is our desire. As we are all aware, after the last elections, there were some difficulties in certain parts of the country. Therefore, a small Bill to deal with that matter was brought before the House. That Bill was referred to a Select Committee also. That Select Committee spent a good deal of time in considering this matter and ultimately it could devise only a remedy which would probably lead to some other consequences elsewhere. For instance, if we were to finalise the names of the candidates, there would be some difficulties. This point was discussed in the Select Committee at length. Suppose in the matter of disqualification, some power was given to some court; we gave it to the High Court. Ultimately we found that our object of having simultaneous elections might be defeated if that provision was to be made. Taking into consideration the fact that the previous Select Committee had taken that view and also considering very carefully the other things, the Select Committee came to the conclusion that the present provision was the best in the circumstances. They have tried to simplify the law in the matter of disqualification. There will be few occasions or grounds on which nominations would be rejected. They have simplified the whole thing as much as they could. As far as disqualification is concerned, the provision here could not be helped. If we want to decide the matter before the polling starts, the whole purpose of having simultaneous elections will be defeated.

I do not want to take the time of the House further. These are some matters to which I had already made a reference yesterday. I would again urge on all hon. Members of this House that this matter had been thoroughly scrutinised from every point of view. If there are some mistakes or errors which deserve to be corrected, I am prepared to do that but we should not, otherwise, normally try to interfere with the whole form of the Bill in which it has come from the Select Committee.

श्री भक्त दर्शन (जिला गढवाल पूर्व व जिला मुरादाबाद उत्तर पूव) : मैं एक प्रश्न पूछना चाहता हूं । अभी माननीय मंत्री जी ने आश्वासन दिया कि मतदान हो जाने के बाद काउंटिंग आफ वोटरा (मत गणती) कम से कम समय में करने का प्रयत्न किया जायेगा । मैं यह जानना चाहता हुं कि इसनें क्या अड़चन है कि जिस दिन मतदान समाप्त हो उसी दिन पोलिंग स्टेशन (मतदान स्थान) में ही मतगणना कर ली जाये ।

Shri Pataskar: I wanted to give that information when the point arose. There was a conference of the Chief Electoral Officers particularly held to consider this matter, sometime last year. If I may go into the details, many of them thought from the practical point of view, that was not good proposition. We have in that case to rely upon the thousands of presiding officers to count these votes. It will lead to greater trouble. There will be more complaints on various grounds. Even now, there are complaints that the boxes have been tampered with and so on. There are booths in the remote villages. It was thought on account of these reasons that it would lead to more trouble.

Shri Raghavachari (Penukonda): Nor is it desirable to adjourn it for two weeks as they had done in Mysore.

Shri Pataskar: That is what I said. The Election Commission will see that as little time is spent on this work as possible.

Mr. Speaker: The question is:

> "That the Bill further to amend the Representation of the People Act, 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: We have taken 6½ hours. 10½ hours are left out of which nine hours may be taken up for clause-by-clause consideration and 1½ hours for the third reading.

Shri N. C. Chatterjee (Hooghly): May I suggest that clauses 2 to 40 may be allotted three hours? They form one group. 41 to 64 is another group.

Mr. Speaker: My idea is this. If the hon. Members put these clauses in a group there may be a particular clause of importance and separate time may be allotted for that. Whenever the clauses are clubbed together the practice is that we allot so much time. I will now allow all the amendments to be moved or sent to the Table. Then, the discussion on all these clauses will take place along with the amendments. That is what we have been doing except for a particular clause where it stands by itself. One or two such clauses may be grouped. Once

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they are grouped, I will allow discussion on all the clauses together. Some hon. Member may be interested in one clause and another, in another clause.

Shri Kamath : Of these clauses 4, 5, 7, 13, 15 and 18 may be taken separately.

Mr. Speaker : Is it the suggestion that they be taken up in a group ?

Shri Kamath : 4 and 5 together ; 7 separately ; 13 and 15 together and 18 separately. The remaining clauses may be taken up together.

Shri Kasliwal (Kotah-Jhalawar) : Shri Chatterjee's suggestion is good. Clauses 2 to 40 may be taken up together.

Mr. Speaker: I want the whole scheme if possible.

Shri K. K. Basu (Diamond Harbour): There may be separate discussion on clauses 4 and 5. They are important. The rest of them, up to clause 40 may be put together. They relate to details such as fixation of election dates, etc.

Shri N. C. Chatterjee : Clauses 4 and 5 are most vital. We should have at least one hour.

Mr. Speaker : For clause 7 ?

Shri Pataskar: Half an hour.

Shri S. S. More : If we put all these clauses into a group, everybody who has to say something will have different occasions to make speeches. That means some Members will appropriate more time than they should. If we put all these clauses in one category, every Member may get up and make his observations on the clauses which he deems important. Otherwise, many Members will be speaking too often.

Shri Pataskar : At the time of voting they may be put separately.

Mr. Speaker: Clauses 13 and 15 are also in the same category. So, so far as clauses 4 and 5 are concerned, they are separate from the other clauses.

Shri Kamath : Clauses 4 and 5 may be taken up separately ; 7 also may be taken up separately. Clauses 8 to 40 may be taken up together.

Mr. Speaker : Clauses 4 and 5 will have one hour ; clause 7, half an hour and all the other clauses 1½ hours. So, hon. Members will kindly pass on the list of amendments they want to move at the Table. In the meantime, any hon. Members who want to speak on these clauses may start speaking. But I hope that hon. Members will be reasonable with the time that they take for their speeches.

Clauses 4 and 5

Shri K. K. Basu : Mr. Speaker, Sir, I will send in the numbers of the amendments that I want to move, after I finish speaking on them. I have given notice of an amendment this morning and I hope the hon. Minister will be pleased to accept it.

Sir, these clauses 4 and 5 relate to disqualification and I think they are the most important clauses. We have had a good deal of discussion yesterday when we had the general discussion on this Bill. The most important point here is, whether a person should be disqualified for being in jail for more than two years. As you, Sir, have very pertinently remarked, we have not put in any sort of a rider whether the imprisonment will be for moral turpitude or similar kind of things. We know fully well that in our country as yet we have not come to that stage of social stability where there may not be any difference of opinion between one section of people and another section, which might lead to courting imprisonment. There is also difference of opinion in the different administrative machineries. We know in the period 1950-51 a large number of persons were kept in detention. Many of us here were detenus at that time, but after we were released, many of us have been elected by an overwhelming majority of the people or the electorate. Therefore, this provision regarding disqualification of persons who have courted imprisonment irrespective of the conditions under which they had to go to jail, should be done away with.

Sir, in this connection I might give an example of one of our colleagues, Shri Tridip Kumar Chaudhuri, who is still in jail. He is now in the Goa jail because he wanted to liberate Goa which is our rightful claim. All of us are agreed that Goa is a part of India. Our colleague has been put in jail for more than ten years. If it is construed that Goa is a foreign territory, then it is all right, but on the other hand if it is construed as a part of India then Shri T. K. Chaudhuri is debarred from contesting elections here only because he courted imprisonment for liberating a part of our country which all of us claim. Therefore, I strongly feel that so far as this portion, which deals with incurring disqualification by persons who have been in jail for more than two years, is concerned, it should be done away with. But in case the Government today is not in a position to accept the proposition to delete this portion of the clause, then at least a rider should be added.

I have moved an amendment to that effect. I also find that Shri Venkataraman has also moved an amendment on the same lines, saying that the words "involving moral turpitude" should be added. You know fuly well, Sir, when we were discussing the Company Law Bill—there was also a disqualification clause so far as the directors are concerned—it transpired during discussions that if we do not put in a rider as the one now suggested, it will debar many persons who have not done anything against the interests of the community or the country. You know fully well, Sir, during the British days, many of you went to jail and you were imprisoned not because you did something against the interests of the community or against the country, but you fought for the liberation of the country and for the establishment of a better society. Therefore, if similar clauses are there, even if you have not done anything against the community or the country, you will incur disqualification and you may be debarred from contesting elections, though the people of your constituency may like you to represent them.

I repeat, Sir, that this provision should be deleted. If you think that there should be some fetter provided for those persons who might incur this disqualification for being in jail on offences involving moral turpitude, then the amendment which I have moved—as I said, Shri Venkataraman has also tabled a similar amendment—should be accepted by the Government. After all one has to contest and get the support of not less than 3,50,000 people of one's constituency. If a majority of the people accepts a man as their representative, there is no point in disqualifying him because he courted imprisonment for some just cause. Even if it is conceded that I was in jail some two or three years back, why should I be debarred from representing the people. Let the people be the arbiter of our qualification, our worthiness and our capacity to represent them. In case the Government is not in a position to delete this portion of the clause, then I would again stress that it should be limited in those cases of imprisonment which involve moral turpitude.

I have tabled another amendment, notice of which I gave only this morning, seeking the deletion of the word "appropriate". This provision of "appropriate Government" is a very dangerous one. It has practically made the provision completely ineffective and nugatory. The term "appropriate Government" has been interpreted, if it is a seat for the State legislature, as : 'unless the candidate is a contractor directly under the State Government or is a director of an organisation under the State Government or has financial interests in a corporation on which the State Government has direct interest'. In that case only the candidate is debarred. Sir, I will give an example. Salt is a central subject. Salt merchants or salt agents are appointed for the distribution of salt. Though they are appointed by the Salt organisation of the Central Government, they are appointed only on the recommendation of the local State Government. That means, if a salt distributor for the Madras State is to be appointed, the Salt Commissioner has to obtain the advice and recommendations of the Madras Government as to the person who should be appointed. Similar is the case with regard to coal an iron and steel which are more or less controlled under the Central Government Control Order. In those cases, though they are working under the Central Government, they can influence the State Government. The provision is that a person should not be elected, who by virtue of this position might influence or may have special advantage or who may have some special dealing with the Government. I will give an example, Sir. In a recent by-election in Calcutta, the Mayor of Calcutta was a candidate. We took up this position that he is a dealer for the iron and steel, which is under the Government. Then the Returnig Officer did not accept our point of view and he tried to give an interpretation that he is appointed on the recommendation or possibly on the advice of the State Government so far as distribution of the controlled article iron and steel is concerned, but he has been appointed only by the Central Government and so he

[Shri K. K. Basu]

cannot be deemed to be a contractor under the appropriate Government, which in that case is the State Government.

If we take the realities of our country, we find, whether the Congress Party is in power in West Bengal or at the Centre, if one can get himself in one Government, he can influence the Central Government and take advantage of the special position he is having. In most cases even when the Central Government appoints an agent or a contractor, certainly the opinion or advices of the State Government is sought for. Similarly, in the case of a State Government, if a Central Minister or somebody from outside has got to be appointed, he might be put in.

Take another case. I was a member of the Committee on Offices of Profit. We find it very difficult to examine and differentiate things except on broad principles. Supposing there is a person who is a Central Government law official in Delhi, he may not be directly having any connections with the State Governments but in many cases he might be representing State Governments and getting fees. Therefore, if you want to debar persons who by their position can influence the Government—where a man has worked with the Government for one or two years or is on deputation, that is a completely different thing—or who has got pecuniary interest with any Government then there should not be this word "appropriate". Whether for State legislature or for Central Parliament, he should be disqualified.

In our country the position is such that an M.L.A. can influence the Government, whether State Government or Central Government. In most of the cases the functions of the administration are so inter-linked that you have an official who will be more or less controlling both. Therefore, I urge upon the Government to accept the proposition that in the case of contractors or directors of corporations where any Government interest is concerned, that should be considered as a disqualification for contesting a seat either in the State legislature or in the Parliament, whatever it may be.

Shri Kamath: I am moving amendments Nos. 44 and 90. Amendment No. 44 relates to clause (c) of section 7 of the principal Act, dealing with the disqualification incurred by conviction by a court of law. I have sought to substitute or rather to modify the clause by saying that the disqualification should be only for violence or subversion of the State. My amendment reads as follows:

In page 2—

after line 32, *insert*:

> "(aa) in clause (b), after the word 'offence' the words 'except a political offence not involving violence or subversion of the State' shall be inserted."

I have no objection if the other amendment relating to only moral turpitude is accepted by the Government or rather by the House. If that is not acceptable, I would urge the House to accept this amendment of mine where the conviction that will incur disqualification is for an offence which is not a political offence not involving violence or subversion of the State. That is to say, whether the person has been convicted of a political offence involving violence or subversion of the State, the results, as consequences, will follow, but not for a mere political offence to which my hon. friend Shri K. K. Basu has drawn attention. Many of us might have to suffer the fate that has overtaken some of our comrades on this side of the House, and that should not come in the way of those of us who might suffer a similar fate and would still like to contest the elections to Parliament and to the State legislatures.

The other amendment is for a new clause that I would like to add to section 7 of the principal Act. That reads as follows:

Page 2—

after line 37, *add*:

> '(c) *after* clause (f), the following clause shall be added namely:
>
> "(g) if he is a member of the family of a Government servant of gazetted rank holding office in that constituency".

Mr. Speaker: Is this amendment in order? Of course, some powers have been given to the Select Committee to enlarge the provisions, but so far as this new disqualification is concerned, the hon. Member will consider what can reasonably be expected to have been before the Select Committee. The hon.

Member wants to add a new disqualification saying that a member of the family of a Government servant, wife or anybody else, holding office in that constituency, cannot stand.

Shri S. S. More : As far as the office of profit is concerned, certain disqualifications are there, and they are to be prescribed under the Constitution. We, who have been Members of the Officers of Profit Committee as appointed by the Speaker, have submitted a report, but no cognizance of it has been taken. In the absence of any definition of an office of profit, whether such an amendment in respect of the relationship of a man who is holding an office of profit can be brought within the purview of this Bill is a question which you will have to decide. As far as the scope of the enactment of this Bill is concerned, in view of the instructions that have been given, the scope has been extended a great deal.

Mr. Speaker : It is a new disqualification which was perhaps not under contemplation. Well, Shri Kamath may proceed.

Shri S. S. More : If Shri Kamath will permit me, I shall plead his cause in my own way. I feel that in view of the amendment which was tabled by Pandit Thakur Das Bhargava and since the Select Committee was authorised to go into all relevant matters including section 7, Shri Kamath has brought in this amendment.

Shri Venkataraman (Tanjore): On page 33 of the Bill, instructions are specifically given. Item (six) mentions as follows :

> "Disqualifications—(section 7)— apart from consequences of not lodging Election Return;"

Mr. Speaker : So this new disqualification can also be considered. Shri Kamath may proceed.

Shri Kamath : I will stay my points briefly. I know the experience that was gained by some candidates in the last general elections with regard to this particular matter, and I would not refer to any particular constituency. But even in the capital, some of the repurcussions of such a state of affairs were felt in a particular election to the Lok Sabha. I will not go into the details about that matter, but I would certainly suggest and urge the House to consider whether it is really desirable for a member of the family of a Government servant of gazetted rank in the same constituency to get in. So, my amendment which provides for a new disqualification might be accepted by the House.

I would urge one thing more about sub-clause (f) of section 7 of the principal Act. The first part of it relates to dismissal for corruption or disloyalty to the State. It is a somewhat moot point as to how disloyalty to the State is to be construed. There is a lot of doubt about this particular phrase.

Mr. Speaker : Has there been any relating to this phrase ?

Shri Kamath : I am not aware whether there are any cases coming under this head, but I would suggest that this phrase, 'disloyalty to the State' should not be on the statute-book and it should be omitted from clause (f) of section 7 of the principal Act. I find that there is an amendment to that effect moved by my hon. friends Shri K. K. Basu and Shri N. B. Chowdhury. It is amendment No. 89. Of course, it is a slight modification of the existing clause. It says: "and if they are so found by the High Court or Supreme Court."

Shri K. K. Basu : Under this provision one may lose one's job, and it is so under the Public Servants (Security) Act.

Shri Kamath : That amendment also seems to be acceptable. I shall move my amendments :

I beg to move :

(i) In page 2—

after line 37, *add*:

> "(aa) in clause (b), after the word 'offence' the words 'except a political offence not involving violence or subversion of the State' shall be inserted."

(ii) In page 2—

after line 37, *add*:

> "(c) *after* clause (f), the following clause shall be added :
>
> '(g) if he is a member of the family of a Government servant of gazetted rank holding office in that constituency'."

Mr. Speaker : These amendments are before the House.

Shri N. C. Chatterjee : I beg to move :

Page 2—

after line 30, *insert* :

"(aa) at the end of clause (a) the following words shall be added :

'or the Election Commission has removed the disqualification'."

My object is to make the statute consistent. If you are pleased to look at page 79 of the *Election Manual* you will find the following :

"*Section 7—Disqualification for membership of Parliament or of a State legislature*—A person shall be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or the Legislative Council of a State,—

(a) if whether before or after the commencement of the Constitution he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been proved to have been guilty of the offence of corrupt practice which has been declared by section 139 or section 140 to be an offence of corrupt practice entailing disqualification for membership of Parliament and of the legislature of any State unless such period has lapsed or has been provided in that behalf in section 139 or 140 as the case may be".

Now, if you are pleased to turn to the new provision which we are enacting, namely, section 140A—you will find that the Select Committee are inserting —and I submit that they have done it properly—that new section, as seen from clause 70 of this Bill. The new section 140A reads as follows:

"The Election Commission may for reasons to be recorded, remove any disqualification under this Chapter or reduce the period of any such disqualification."

Look at sub-clause (2) :

"It is hereby declared that any disqualification for membership entailed by any act which has ceased to be a corrupt or illegal practice under the principal Act as amended by this Act shall stand removed."

What I am pointing out is this. Now that you are enacting section 140A, there might be a slight modification in section 7(a). Section 7(a) should say that the disqualification shall cease to operate if the Election Commission removes the disqualification. I am only trying to make the Act consistent, so that there may be no repugnancy. There may be difficulties created even if the Election Commission has removed the disqualification. You know what in some cases although there has been technical conviction or finding of a corrupt practice, the Tribunals themselves have recommended that the disqualification should be removed. Section 140A has been recommended by the Select Committee to meet such cases. Therefore, I am submitting that this is only a drafting amendment so as to make the Act perfectly harmonious and consistent.

Mr. Speaker : Will it not automatically apply, without this amendment?

Dr. Krishnaswami (Kancheepuram) : Yes, because of sub-section (2).

Shri N. C. Chatterjee: It may or may not. If you look at section 7, there may be an ingenious argument advanced for that. I have submitted this amendment so as to make it perfectly clear as a matter of abundant caution *ex abundante cautela.*

I am endorsing Mr. Basu's recommendation and I suggest that his amendment, which is also Mr. Venkataraman's amendment No. 144, should be accepted. My submission is that it will be wrong in the Republic of India to disqualify a person who has been convicted for imprisonment for more than 2 years, practically for ever. We had been given in the Select Committee a charft of the different States' laws. Generally, we find that in the majority of cases, the State says that when the man serves out his term of imprisonment, the disqualification is gone and he is restored to his full status. What I am suggesting is that Mr. Venkataman's amendment is quite appropriate, namely, the words "involving moral turpitude" should be inserted. Mr. Venkataraman's amendment reads as follows :

"Page 2—

after line 30, *insert* :

(aa) in clause (b), after the words "of any offence" the words "involving moral turpitude" shall be inserted."

I may draw your attention to section 274 of the Indian Companies Act which we passed recently—Act I of 1956. I told you yesterday that something like that was mentioned there and I now find that it is quite correct. Under section 274, we have prescribed the disqualifications of directors. It says that a person shall not be capable of being appointed director of a company if he has been found to be of unsound mind, if he is an undischarged insolvent, if he has applied to be adjudicated as an insolvent and his application is pending and then—sub-clause (d) is very important—if he has been convicted by a Court in India of any offence involving moral turpitude, and sentenced in respect thereof to imprisonment for not less than a particular period. So, this Parliament itself has inserted a provision like this in the Indian Companies Act. You may remember that we have introduced Managers under the Companies Act. There is another section which I have discovered this morning and that is section 385. It says :

> "(1) No company shall, after the commencement of this Act, appoint or employ, or continue the appointment or employment of, any person as its manager who—
>
> * * *
>
> (c) is, or has at anytime within the preceding five years been, convicted by a Court in India of an offence involving moral turpitude."

So, I submit that Mr. Venkataraman's amendment is quite appropriate and should be accepted.

Shri Venkataraman: I am one of those who have sponsored the Amendment that an offence involving moral turpitude should form the disqualification for membership of a legislature. It was pointed out by the Minister that there are practical difficulties in the way. In the first place, he said, it should be decided by some competent authority as to whether a particular offence involves moral turpitude or not and the stage at which this authority will come and give the decision. I do not think the difficulty is insuperable.

Mr. Speaker: In the Bar Councils Act, there is a Schedule like that.

Shri Venkataraman: If we can do it in respect of cases relating to Bar Councils, here also it should be possible. Yesterday I referred to the Bar Councils Act. My submission is that there is judicial precedents in this country to come to a fair conclusion as to the nature of offences involving moral turpitude.

There is another way in which it can be done. At the time when the nomination is filed, it may be open to the scrutinising authority to say whether this particular candidate is or is not disqualified under this clause. Even if that is likely to cause some difficulty, my suggestion would be that any person who has incurred this disqualification may, before the date of election, apply to the Election Commission to have it removed on the ground that the offence for which he has been convicted does not involve moral turpitude. We have already provided for the removal of disqualification by the Election Commission in respect of various offences. If a person has been convicted for not less than two years, it may be open to him to apply to the Election Commission and have the disqualification removed on the ground that it does not involve moral turpitude. Therefore, I would warmly commend this amendment. I do not know what the Government would do in this matter.

There is another very important matter which my hon. friend Shri Chatterjee has raised. That is with regard to the amendment to section 7 of the principal Act. I want to ask him whether the amendment would not be more appropriate in clause 70 after the new section 140A. I am suggesting for his consideration whether it would not serve his purpose and perhaps better, if after the words "the period of any such disqualification" in the new section 140A in clause 70, the words "where such disqualification was incurred before or after the commencement of the Representation of the People (Second Amendments) Act". That would really meet the case in which a disqualification has been incurred in respect of such matters. Otherwise, if this amendment is put in section 7, I think it would not fit in with the scheme. Section 7 deals with the disqualifications whereas the new section 140A deals with the removal of the disqualifications.

Shri N. C. Chatterjee: I am sorry I did not make myself clear. There are other clauses where the very same

[Shri N. C. Chatterjee]

expression is used. Kindly look at section 7 (c):

> "(c) if, having been nominated as a candidate for Parliament or the Legislature of any State or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by or under this Act, unless five years have elapsed from the date by which the return ought to have been lodged or the Election Commission has removed the disqualification."

Therefore, section 7 itself contains this provision.

Mr. Speaker: In clause 4, page 2, there is this wording specifically....the account ought to have been lodged or the Election Commission has removed the disqualification."

Shri N. C. Chatterjee: That is what I am submitting.

Mr. Speaker: What Shri N. C. Chatterjee feels is that if in some portion of clause 7 it has been found necessary to introduce these words and these words are not in another clause, it may be argued that that clause does not apply and so either have it or remove it.

Shri Venkataraman: I am in agreement with what Shri N. C. Chatterjee has said. It only occurred to me that it would fit in more with the new clause 140A which we are introducing. I warmly support the amendment moved because that would really fit in with the scheme. A consequential amendment will also be necessary in the other clause 83.

Shri N. C. Chatterjee: That is right.

Shri Venkataraman: It should be like this: the words "save as otherwise provided in this Act" will have to be included in clause 83 also. I warmly support the amendment which Shri N. C. Chatterjee has moved just now.

Mr. Speaker: We have allotted one hour. Hon. Members who have got any new amendment will kindly rise. Enough has been said on those amendments which are already there.

Pandit Thakur Das Bhargava (Gurgaon): I have got amendment No. 83 in regard to election expenses, in clause 4.

Shri S. S. More: I have got amendment No. 86 to caluse 4.

Mr. Speaker: I am only trying to find any hon. Member throwing light upon this matter in view of the fact that we have allotted one hour. Any new qualification or disqualification may be raised.

Shri S. S. More: I have only to submit that so far as this clause is concerned, my first suggestion is that the clause should not be there. In case we retain it, by my amendment, I say that the disqualification should only operate during the period of his imprisonment and not subsequent to that. Therefore I have said that the last two or three lines should be substituted by the words "during the period of his imprisonment". My argument is that the man has already been convicted and punished for whatever he has done. Still further to say that he should be disqualified is adding some more punishment to the punishment which has been given by the court. As far as the period of his imprisonment is concerned, he should stand that disqualification. But, the moment he comes out of jail, he must be permitted to come out with a clean shirt and carry no soil of whatever he has done.

Mr. Speaker: A person is guilty of culpable homicide. For some reasons he is not convicted of murder. He comes out. He is not only a free man but he can also represent the people?

Shri S. S. More: I agree that the mention of culpable homicide gives us a sort of moral shock. Take for instance England and other countries. Even there, there are persons who commit manslaughter and other offences of a more serious nature and yet the U. K. which has been dealing with all such cases is not assuming a higher moral attitude by pursuing the person convicted even after he comes out of jail. On the contrary, if he is permitted to enter political life and stand for some election, he will be taken away from the evil tendencies or propensities from which he suffered. If you give that man a chance to enter politics, possibly, politics may cure him of those tendencies though politics may generate some other tendencies which are not culpable or criminal.

Mr. Speaker: We have to see the effect on the public. Punishment has got two effects: punishing the delinquent and its moral effect on the community. That is the point.

Shri S. S. More: In view of shortage of time, I am not in a position to cite authorities from other countries. But, the people are sovereign. If a man is guilty of committing murder of his mother, sister or anybody else, the people are there. They may say, you may be a good man, but we will not vote for you. Why should the legislators sit in judgement over that man and not give him an opportunity to approach the people. That is my amendment. As far as amendment No. 143 is concerned, I support it along with Shri N. C. Chatterjee. I feel that the amendment that we have suggested is very relevant and necessary and ought to be accepted.

Mr. Speaker: The following amendments are also proposed to be moved:

Nos. 86, 87, 88, 89, 206, 58, 4 and 174,

Shri S. S. More: I beg to move:

Page 2—

after line 30 *insert*:

'(aa) in clause (b) *for* the words

"unless a period of five years, or such less period as the Election Commission may allow in any particular case, has elapsed since his release;"

the words "during the period of his imprisonment" shall be substituted'."

Shri K. K. Basu: I beg to move:

(i) Page 2—

after line 30 *insert*:

"(aa) clause (b) shall be omitted."

(ii) Page 2—

after line 30 *insert*:

'(aa) in clause (b) after the words "offence" the words "involving moral turpitude" shall be inserted.'

(iii) Page 2—

after line 37 *add*:

'(c) in clause (f), after the words "disloyalty to the State" the words "and if they are so found by the High Court or Supreme Court" shall be inserted.'

(iv) Page 2—

after line 37, *add*:

'(c) in clauses (d) and (e) the word "appropriate" shall be omitted.'

Shri M. L. Agrawal (Pilibhit Distt. *cum* Bareilly Distt.—East): I beg to move:

Page 2—

after line 30 *insert*:

'(aa) for clause (b) the following clause shall be substituted:

(b) if after the commencement of the Constitution he has been convicted by a court in India of any offence and sentenced to imprisonment for not less than two years:

Provided that a person shall be disqualified for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State if he is convicted by a court in India of any offence involving moral turpitude, whatever the sentence."'

Sardar Iqbal Singh (Fazilka-Sirsa): I beg to move:

Page 2, line 35—

for "three years" *subsitute* "two years".

Mr. Speaker: All these amendments are before the House.

Pandit Thakur Das Bhargava: I beg to move:

Page 2—

for lines 33 to 37, *substitute*:

"(c) if being a party to any election—petition and having been called upon by the Elecetion Commission or by the Election Tribunal as the case may be under any of the provisions of this Act he has failed to file true copy of the accounts of the election expenses required to be kept under section 77 of the Act within the time prescribed under the Act unless three years have elapsed from the date from which the accounts ought to have been filed with the Election Commission or the Election Tribunal as the case may be unless the Election Commission has removed or reduced the period of disqualification."

This amendment has really to be read with amendments 84 and 85. This is a part of the amendment. This is consequential to amendments 84 and 85. I have pleaded like this. At present the law requires that the return of election expenses must be filed within 30 days of the election. After another 15 days, the petition has to be filed. As

[Pandit Thakur Das Bhargava]

soon as the return of election expenses is filed, the Election Commissioner has only to see whether it has been filed within the time and in the manner prescribed. That being done, the function of the Election Commissioner ceases. He has not to scrutinise the returns; he has not to see whether the person has been guilty of corrupt practices, whether he has bribed the people or done anything else. He has not to look into all that. If there was a provision in the Act by virtue of which the Election Commission was enabled to look into the matter and take steps against the offender, I can understand there was some meaning in getting the return filed with the Election Commissioner. In the absence of a provision like that, all that the person has to do is to just prepare a return of election expenses and file it with the Election Commissioner. As soon as that is done, the candidate is quite safe. If that formality is not done, he is disqualified. Then, he has to make an application as to why he failed to do so and the disqualification is removed. It is to be found in the report made by the Election Commission that about eight months were required to finalise all this. At the same time, thousands were disqualified, they made applications and they were qualified again. Enquiries were there and the disqualification had to be removed. For what purpose ? For no purpose at all. What is the sense in disqualifying people and then qualifying them and taking all this trouble when such action has no effect whatsoever on the party of elections. As soon as these returns are filed, they are filed for ever. Nobody has to look into them. They must have been sent to some grocer for being used as waste paper. In other words, there is absolutely no kind of use so far as the Act is concerned.

My humble submission is this. There is only one use so far as the return of election expenses is concerned. It is when an election petition is filed. As soon as an election petition is filed, the plaintiff can look into the expenses and can make new allegations. First of all, he makes certain allegations about which he knows previously. He manufactures certain allegations after looking into the accounts. Afterwards, the matter is gone into and scrutinised. If there is no election petition, as I have submitted there is absolutely no use for such returns. According to the amendment as soon as an election petition is filed with the Election Commissioner, if it is not dismissed to start the provisions of rule 84, then, the Election Commissioner first of all calls upon the other party to file accounts within seven days. If that party does not do so, within seven days, I submit his election should be held to be void, because if you put a duty upon any candidate to keep accounts, I am anxious that that duty must be rightly performed and if a person does not keep accounts, or he does not conform to the conditions laid down under section 85, in my humble opinion, his election should be held void and the petitioner ought not to be allowed to file an election petition if he does not produce his own accounts, if he prays to be elected in the place of returned candidate.

1 P.M.

Shri B. S. Murthy (Eluru): Why should you not do away with it ?

Pandit Thakur Das Bhargava: This is another way: those who want to do away with it are quite welcome to have their proposals accepted by the House. I for one think that it is necessary that this duty should be there, so that no rich person may be able to spend any amount he pleases. This is a question as to whether a ceiling ought to be put. I am in favour of a ceiling. I want a ceiling may be there. I want that at the same time a duty must be cast upon every candidate to keep accounts of what he is spending. I am of this view. If I were of the view that no ceiling may be put, then I would have said that no returns may be made. Since I am of the view that a ceiling should be there, consistently with that I feel that there is a necessity for casting a duty on the candidates to keep their accounts; since the accounts are only to be utilised according to this measure for one purpose and one purpose alone. I am anxious that that purpose should be fulfilled. When an election petition is made the other party utilises the accounts for the purpose of finding out and for proving that the returned candidate has been guilty of some corrupt practice. That is the only purpose. In my amendment Nos. 84 and 85 I have provided that a duty must be cast on the Election Tribunals that they may be pleased to call for accounts of any party to the petition should they think such step to be necessary. An unsuccessful candidate files an election petition only with a view to secure a verdict that the election of his adversary is void; on the other hand he claims that he should be declared successful under Rule 84. If that is so, it is quite necessary that the accounts of the candidate who has been successful should be before the tribunal. I have, therefore, provided that as soon as he files an election petition against the returned candidate, if he wants that he may be declared successful, he should file his own election expenses and the Election Commission should be armed with all the powers so that the return of election expenses of all the candidates may be called for an inspection.

My humble opinion is this. It is a compromise between the two proposed practices. In practice 29,000 people filed their accounts and only 320 election petitions were made. I understand that in not more than 1 per cent cases election petitions are made. In 99 per cent of the cases the accounts are not scrutinised, not seen; they do not even see the light of day, except for the purpose of being seen, whether they have been returned in the manner and within the time prescribed. Therefore, I say that nothing will be lost by adopting the procedure I have suggested. This will be a happy compromise in the sense that the use for which these election expenses are meant will be fully utilised and candidates will not be forced to make declaration which fairly speaking they ought not to make.

So far as this matter is concerned I have appended a minute. I had appended a note in 1953 when the other Bill was there and I have repeated that note. I beg of the House to consider this question rather seriously because this is a matter on which opinion has been rather vocal. There is a section which wants that there should be no returns at all. Now, if there is no return, I can understand. If you keep the provisions which are already there, I would have been of the same view. But now we have changed these provisions. We have made the provisions much simpler than before. But all the same I am quite conscious that it will put a great strain on the conscience of many of the Members when they make a declaration like that. Any person who goes to a legislature should go with a clean conscience. He should not be asked to make a declaration which he knows is not correct. I submit it may not be true of all cases, but in a large number of cases I know the returns so far made were not all true and in the future also there will be many returns which will not be true. Let us, therefore, be true to ourselves, because if that is done in 99 per cent of cases the declarations will be made for no purpose as there will be no election petitions. In 1 per cent of the cases where the declarations will be made they will be put to use for the purpose the framers of this measure want. This will be a happy compromise between the two, and I respectfully ask the Minister in charge as well as my other friends who would have given thought to this question to agree to the proposal which I have made in the interest of probity and conscience and at the same time in the interest of those who file election petitions and against those who commit these corrupt practices. This is all that I have to submit in regard to amendment No. 83.

Now, with your permission, I propose to make some comments on the amendments which have been the subject matter of discussion. In regard to the amendment moved by my hon. friend Shri N. C. Chatterjee I hold the same opinion with regard to section 7(a). The amendment ought to be accepted, because that will complete the purpose we have in view. In regard to section 140A a new provision has been made and it is said that that provision is not in full consonance with section 83. So far as that is concerned my view is that if they stand together, if right interpretation is made they are consonant with each other.

Mr. Speaker: Even in regard to subclause (b) the Election Commission has been allowed discretion, but I am afraid there must be a period fixed, even if it be a minute.

Pandit Thakur Das Bhargava: But at the same time for abundant caution, if we accept the amendment moved by Shri N. C. Chatterjee that would remove any doubt, if at all any existed. But on a fair reading no doubt exists in my mind and it was on that basis that we did not agree to make any change in the Committee.

Shri S. S. More: On a fair reading I become very doubtful.

Pandit Thakur Das Bhargava: By way of abundant caution to remove doubts which might exist in the minds of hon. friends like Shri More, that amendment may be accepted.

[Pandit Thakur Das Bhargava]

In regard to section 7(b) I have a submission to make. It is quite clear that the disqualification will not apply in the case of people who went to jail before 1951. In those days we know how many people went to jail and for what purpose. There is a view held that it is difficult to distinguish between offences involving moral turpitude and those not involving moral turpitude. What is moral turpitude after all? What is considered to be moral turpitude by some may not be considered to be so by another. Shri Chatterjee was pleased to read from sections 274 and 385 of the Companies Act, and I also called attention yesterday to these two sections. But they only relate to directors of companies. So far as Members of the House are concerned, they are not comparable to directors of companies. We believe that all our jails are really hospitals, mental hospitals.

Shri N. C. Chatterjee: Not yet.

Pandit Thakur Das Bhargava: But in theory they say that a man who gets into the jail must come out a better man if the jail is to be any use.

Shri S. S. More: That is the new theory.

Pandit Thakur Das Bhargava: This is the new theory. They say all tendencies to crimes are in the nature of a malady which have to be cured. At the same time I want to know how if five years have elapsed the man becomes a gentleman though he has been guilty of culpable homicide. How is five years the yardstick?

Shri S. S. More: Why five years?

Pandit Thakur Das Bhargava: Why five years? Can he not become a gentleman in one year? At the same time we have got societies for aid to prisoners. We also say that those persons who have been to jail must be given work and must be treated as good men. Considering the new mental attitude of the people, I think it ought to be left to the choice of the electors whether they want to elect that man. A person who is guilty of culpable homicide might be a very honest and a very good man. If he killed a man in the exercise of the right of self-defence, he will be guilty of only culpable homicide and nothing else. A person who is out to sacrifice his own life for the purpose of protecting the honour of a lady is much more honourable than another person who stalks about this land saying he has committed no crime. After all, every person who goes to jail is not a criminal of the type we want to avoid. It is a rotten theory that even after a man has served his sentence a stigma still attaches to his life. We have got a rule that five years must elapse. It is not a very long period also. This rule does not obtain in all the advanced countries of the world. Therefore, we might say that no such rule should be here, and that everybody who has undergone a sentence should be regarded as an honourable man and must be able to become a Member of this House. Nothing would be lost. I do not know how many have gone got to jail, and how many others have committed the very crimes which the jail-goers are supposed to have committed. Mere conviction does not show a man is good or bad. And after the sentence is undergone, he becomes a good man in my opinion.

So far as political prisoners are concerned, I would like to submit for your consideration that the distinction between political offences and non-political offences should now cease because any offence against the State is an offence, and therefore there is no reason why we should distinguish between a political offence and a non-political offence. A communal offence may be a political offence. The person who killed Mahatma Gandhi, who killed Swami Shraddanandaji might have been moved by the best of motives according to some but at the same time there are many others who think they are nothing but criminals. Opinions differ. Where to draw the line? My humble submission is it is very difficult to decide what is moral turpitude and to distinguish between political and non-political offences. Either keep it as it is that all offences are offences and after five years the whole slur or whatever it is goes away according to the rule—you may make it three years if you like—or do not keep it at all. Moral turpitude or otherwise does not appeal to me.

Mr. Speaker: Amendment moved:

Page 2—

for lines 33 to 37, *substitute*:

"(c) if being a party to any election-petition and having been called upon by the Election Commission or by the Election Tribunal as the case may be under any of the

> provisions of this Act he has failed to file true copy of the accounts of the election expenses required to be kept under section 77 of the Act within the time prescribed under the Act unless three years have elapsed from the date from which the accounts ought to have been filed with the Election Commission or the Election Tribunal as the case may be unless the Election Commission has removed or reduced the period of disqualification."

Shrimati Khongmen (Autonomous Distts.—Reserved—Sch. Tribes) : I have got an amendment, No. 142. It reads :

Page 2—

after line 27, *insert* :

> '3A. *Amendment of section 5.*—In section 5 of the principal Act, for clause (b), the following clause shall be substituted, namely:—
>
> "(b) in the case of a seat reserved for an autonomous district of Assam other than a seat the constituency for which comprises the cantonment and municipality of Shillong, he is a member of a Scheduled Tribe of any district and is an elector for any Assembly constituency in any district; and" '

The old provision reads thus :

> "in the case of a seat reserved for an autonomous district of Assam. . . ."

Mr. Speaker : We are discussing only clauses 4 and 5. This is insertion of a new clause which the hon. lady Member wants. I shall give her an opportunity later on. This does not involve an amendment of either clause 4 or 5.

Shrimati Khongmen : No, but this should come earlier.

Mr. Speaker : I will call her later on.

Shri C. R. Narasimhan (Krishnagiri) : In the report of the Select Committee on The Life Insurance Corporation Bill, the following passage occurs at page 82 :

> "*New Clause* 33A: A new clause as follows, was proposed by Government :—
>
> "33A. It as hereby declared that no person, not being a salaried employee of the Corporation, who procures life insurance business for the Corporation in consideration of any commission shall be disqualified for being chosen as, or for being, a member of either House of Parliament."

Then the Committee goes on to say :

> "The consensus of opinion of the Committee was that such a provision might be considered for incorporation in the Representation of the people (Second Amendment) Bill rather than here."

It was a Government amendment and the Committee thought that it should be moved in this Bill. Therefore, the clause was not pressed. Therefore, I bring it to the attention of the Government to insert a clause at the appropriate place, at the appropriate occasion, either now or in the third reading.

Mr. Speaker : Has he given an amendment?

Shri C. R. Narasimhan : No, Sir. It struck me only now. Since it is a Government amendment which the Select Committee did not think it fit to include in that Bill and every one there agreed to have it in the present Bill, I bring it to the notice of Government.

Shri Rane (Bhusaval): I have moved amendment Nos. 9, 22 and 23.

Amendment No. 9 reads thus :

Page 5, *after* line 25 *insert* :

"10A. . . .

Mr. Speaker: We are on clauses 4 and 5. Shri Deshpande.

Shri V. G. Deshpande: My amendment No. 59 is the same as No. 87 moved by Shri K. K. Basu. It says that clause (b) should be omitted.

Mr. Speaker: Clause (b) of section 7 of the Principal Act.

Shri V. G. Deshpande: Enough arguments have been advanced by different Members. I would only like to quote from *Parker's Election Agent and Returning Officer* regarding endured punishment at page 49 :

> "Where any offender, convicted of any felony not punishable with death, has endured the punishment to which he has been adjudged, such punishment has the like effect and consequences as a par-

[**Shri V. G. Deshpande**]

don under the great seal as to the felony whereof the offender was so convicted."

I would not add much to the arguments advanced by my learned friends who are lawyers, but I would just like to support the amendment moved by my friend Shri Kamath. Some people thought that Shri Kamath's amendment about "the relatives of the Government officers who are living in the same constituency and are gazetted officers" should not be considered very seriously. I may add that this very House after very prolonged discussion has passed a similar section in our Companies Act. I would like them to read section 261 of the Companies Act, 1956 where we have said that certain persons are not to be appointed directors except by special resolution. These are disqualifications for appointment of directors, and there in sub-section (1) (f) we have said: "any partner or employee of the managing agent." It means that any associate of the managing agent is not entitled to be appointed a director of the company. And "associate" has been defined in section 2(3) (a) as any partner or relative of the managing agent where the managing agent is an individual. A relative is disqualified and debarred from becoming a director, according to the company law.

But here, when we come to democracy, our experience is that in constituencies where the wife of the chief secretary or the district magistrate stands for election, it becomes very difficult for the villagers to make a distinction between a husband and a wife. In Maharashtra, the wife of a vakil is called a *vakilin*, the wife of a doctor is called a *doctorin*, the wife of a *tahsildar* is called a *tahsildarin* and so on. If a subjudge's wife stands for election, the poor man in the village feels that the *rani saheba* herself has stood, and he finds that it will be very difficult for him not to vote against her.

I would suggest that a provision similar to the one which we have incorporated in the Companies Bill with great solemnity and after giving much thought could be incorporated in this Act also, because here the interests involved are much more vested than even those in company law, which involve money.

Shri M. L. Agrawal: I want to say few words on clause 4 and my amendments Nos. 57 and 58 thereto. It is forgotten that section of the Act makes provision for disqualification not only of those persons who intend to stand as candidates, but also of sitting Members. So, we have to place some limit there. If we do not place any time-limit, then supposing a Member of Parliament is convicted for a period of three or four years, his constituency may be deprived of the services of a representative. But that should not happen, and therefore, we have to place some time-limit.

Mr. Speaker: There is a limit there, in each one of these cases.

Shri M. L. Agrawal: There is a limit. But there are some hon. Members like Shri V. G. Deshpande, who want this provision to be removed altogether. That is not right. There should be a limit. And what should be the limit? At present, it is two years. If a person is convicted for 23 months, he may have been convicted for man-slaughter, rape, theft or any other offence, but he will continue to be in prison and there will be no disqualification for him. But as soon the limit of 24 months is crossed, he becomes disqualified. So, I say that the limit is arbitrary in a sense. But we have to place it somewhere. Let it be two years. But there is no sense in making the disqualification attached to him even after he has been in the prison. Therefore, I would submit that while we must keep this limit, we should not keep the other portion of the clause by which five years more will have to elapse before he can become eligible for election.

There has been some talk about putting only crimes or offences involving moral turpitude as grounds for disqualification. I say that that too would not do. Suppose, a sitting Member of Parliament is convicted of an offence, for five years; it may be that his offence may not involve moral turpitude, but still it would not be proper or fair to the constituency to keep him a Member of Parliament while he is serving a sentence throughout the term of Parliament. Therefore, I would suggest that the question of moral turpitude only should not be taken in. On the contrary, there should be a limit, but the latter portion of the clause must be done away with.

I would therefore suggest that my amendment No. 57 in this behalf should be accepted. I have already moved my amendment No. 58. I will now formally move my amendment No. 57.

Page 2—

after line 30 *insert* :

"(aa) for clause (b) the following clause shall be substituted :

'(b) if after the commencement of the Constitution, he has been convicted by a court in India of any offence and sentenced to imprisonment for not less than two years'."

Shri Tek Chand (Ambala-Simla): I feel that section 7(b) is unhappily worded for more reasons than one. I do not agree with my hon. friends who think that moral turpitude as an element should not incapacitate a person from remaining or being elected as a Member, even if he suffers from a great deficiency of character or conduct. Their arguments have to be examined in the light of typical cases.

Take, for instance, the case of a person who has been sentenced, let us say, to six months or a year, for theft, for cheating, for bribery and so on. We are told that he is perfectly an eligible person and entitled to be called an hon. Member. He may be a thief, he may be a cheat, he may be a counterfeiter of coins, he may be guilty of a vast variety of offences involving not only moral turpitude in its dilute form, but even carrying the indelible stigma of the heinousness of the crime; and yet by section 7 (b) we are conferring upon him the status of being considered an hon. Member. I feel that the only yard-stick that we should have is moral turpitude, or depravity of character or conduct, and therefore this clause must be there.

Then, the limit of two years, I regret on the other side, is not a correct yard-stick. Now, take the other side. I could think of several offences, not involving moral turpitude, but involving sentences and convictions for two years and above. What is to happen in that case? I give my hon. friend the Minister an instance. Suppose I overrun somebody in my car, and he is killed, as a result of rash and negligent driving; and I may be given two years. Then, I am being disentitled from remaining a Member or from seeking election, if I am so minded.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

In these days of difficulty in traffic and what not, such an offence as killing another person through rash and negligent driving may happen. The result will be that an hon. Member or an hon. Minister who happens to drive his own car may get two years under section 304A IPC. You are disentitling him and depriving the nation of his services, howsoever talented, good and noble he may be. But let him accept a bribe and get six months or a year or one year and six months; he is a very good fellow, and he is still entitled to be styled an hon. Minister or an hon. Member.

Therefore, I submit in all earnestness that the yard-stick should be moral turpitude, call it moral turpitude, call it depravity of character, or call it heinousness of the crime—you can have any number of suitable expressions. It will not be difficult at all for the courts to demarcate crime or to demarcate offences involving moral turpitude and not involving moral turpitude.

Something was said regarding political offenders. People the world over have some sort of a soft corner for political offenders, because of their motives. But I do not agree that all political offences should be condoned for purposes of eligibility. The majority of the Members of this House, when they think of political offences, think of the political offences of the non-co-operation days. But please remember that the throwing of a bomb and anarchical offences can also be political offences. So, the moment you group political offences under one group, you will be committing a very serious error, because a political offender may be a murderer of hundreds, the moment he derails a railway train or the moment he puts a bomb under a railway bridge. Therefore, please do not permit yourselves to be confused by the term "political offenders". They are not innocuous; they can be dangerous, and in some cases, they may be innocuous.

Then take another offence, section 324 of the IPC or section 325, exceeding the right of private defence. In all these cases, even the act of an offender might be morally just, might be of right. It may be that somebody is about to hit a helpless woman, about to hit a helpless child; in indignation, without weighing the weapon, a man may like to hit him hard, may cause a

[Shri Tek Chand]

grievous hurt which is punishable up to seven years. You disentitle such a person who has exceeded the right of private defence from standing. You question his right to be eligible. But you call a man who may have cheated, who may have committed theft, who may have accepted bribes—so long as the dose is below two years—an 'hon. Member', or a potential hon. Member. Neither with the logic underlying section 7(b) nor with the spirit, I find myself *ad idem*. I am not in agreement with section 7(b). It has to be recast and the element of moral turpitude, whatever terminology you may give to it, ought to be the only test for purposes of eligibility on grounds of character and conduct.

Regarding amendment No. 143 standing in the names of Shri N. C. Chatterjee, myself and some others, I wish to lend support to it. If not for any other reason, for the reason that you have used similar language in parts of the same section—I believe it is sub-section (c)—you should accept it. The danger that you should avoid is consequent upon the maximum *inclusio unius est exclusio alterius*. That is the risk to which the omission will lend itself. Therefore, it is extremely desirable that it ought to be there.

Shri Pataskar: As regards clause 4, I might only say that so far as amendment No. 143 is concerned, I am inclined to agree to accept it. It only wants to make a certain thing clear. It is our intention that the Election Commission should have the power in all suitable cases, before or after the passing of this Act, to remove disqualification. It is from that point of view of avoiding any possible ambiguity that this amendment has been moved. I would certainly have no objection to accepting it.

Before I deal with the other amendments, I would like to say that the main point which was raised was with respect to section 7(b). Various suggestions have been made. Let us look at section 7(b) itself. It says :

> "if, whether before or after the commencement of the Constitution, he has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Election Commission may allow in any particular case, has elapsed since his release."

Now, there are so many objections raised. The first objection is about how this has been classified on the basis of a sentence of two years. I quite realise the point made by the hon. Member who preceded me. But generally the period of two years is taken because they are all cognisable offences, offences of a serious nature. If it was really possible for us to arrive at really something by which we could define what were offences involving moral turpitude and what were offences not involving moral turpitude, it would have been an easy matter. We do not differ on principle. But the point is, what is the best solution ? The best solution will be not to try to put in here some wording which can be capable of different interpretations at different times, under different circumstances and by different men as well.

Shri Tek Chand: Give power to the Judge.

Shri Pataskar: Power has to be given to someone. Whether it is Judge or otherwise is a different question. Surely, there may be cases where a murderer of a saint can also be said to have done it on a principle. There may be such cases (*Interruption*). It all depends on view different people take on the same facts on which would depend whether there was moral turpitude or not. Therefore, it was thought best that we need not try to define it, it being incapable of definition. Before we were independent, there was probably one kind of moral turpitude. Now our conception of moral turpitude may undergo a change. After 20 years, it may undergo a different change under different conditions of society.

Therefore, instead of using a vague phraseology, the best thing to do will be to give power to someone. We are enacting a law in which we should give power to someone. That I grant. It should be decided as to whether in a particular case it was a penal offence or not and whether such a disability should continue or there should be relief given to such a person. This should be examined from that point of view. Then I think hon. Members will agree that there cannot be a hard and fast rule about this. Here the period laid down is five years or such less period as the Election Commission may allow in any particular case. Why do you want to bring in a Judge here? The point is very simple. The Election Commission is an independent authority functioning under the Constitution itself. To whom shall we leave this power in such hard cases to determine as to whether this period should or should not be reduced? Here the Election Commission may reduce the period almost to nothing; it may be even one day. It will all depend on the nature of the case. There is nothing preventing the Election Commission from reducing the period to even one day.

[MR. SPEAKER *in the Chair*]

Therefore, the best authority to decide this is the independent authority which we have created under the Constitution. I think this is the best decision, instead of our trying our genius and intelligence and making our view prevail in a matter like this.

This is not a law for one particular period only; it is more or less a statute which lays down the law so far as our elections are concerned. I agree that there may be hard cases. But what is the best way out of the difficulty? The best way to do it is to make it a little more flexible. It is from that point of view that section 7(b) has been put in. I think this is the best solution considering all these matters and the amendments which have been tabled.

Shri K. K. Basau: What is the special advantage in that?

Shri Pataskar: If I am unable to convince the hon. Member, no one else can convince him.

It is difficult to define moral turpitude for the simple reason that what may be moral turpitude in the eyes of some people may not be moral turpitude in the eyes of others. Then again, what may be moral turpitude today may not be moral turpitude after some years. If we have got a provision in some other Act, we need not necessarily import it here.

Shri K. K. Basu: The hon. Minister was Chairman of the Joint Committee on the Companies Bill.

Shri Pataskar: I know. There it was rightly done. But so far as this law is concerned, I think the best way to approach it, and the best solution of the problem, is what we have done here. There there is no Election Commission. Here we are dealing with election law, and we have constituted an independent authority under the Constitution.

Shri K. K. Basu: The difficulty is that when an appeal is filed, there may be one Election Commissioner now and later on there may be another.

Shri Pataskar: My hon. friend, who is a lawyer, forgets that we are not dealing here with matters pertaining to court. We have here to maintain the purity of our elections according to a supreme authority under the Constitution itself. Therefore, all these considerations of appeal, counter-appeal, cross appeal and higher appeal do not arise. We must leave it somewhere. I think it should be left to the highest authority which has been created by the Constitution, so far as the election law is concerned.

Shri Tek Chand: Give him some power; let him reduce it.

Shri Pataskar: Supposing there is a man who has been convicted for 5 or 6 years, and his case comes up before the Election Commission. Then the Election Commission can say, here is a case in which the period of disqualification should be reduced and it may be reduced to 4 years and 358 days. This can be done. The wording is 'such less period' as the Election Commission may fix in any particular case, after his release.

Shri Tek Chand: May I seek a clarification with your permission, Sir?

Mr. Speaker: Let the hon. Minister proceed; we have had enough of opportunities.

Shri Pataskar: So far as Section 7(b) is concerned, it is clear enough and I do not think the force of my advocacy will make it more clear for those who do not......

Shri Tek Chand: I accept his advocacy but the advocacy is not clothed under the section. If it is clothed, I will be most happy.

Shri Pataskar: That is exactly my difference with you and no kind of adjustment will convince you that it is different.

Shri K. K. Basu: Is there a similar law in Great Britain?

Shri Pataskar: I am not concerned with the law in Great Britain. I am concerned only with India. We have, under our Constitution, an Election Commission, an independent authority. In a matter like this, we should leave it to that authority and not rely upon what is there in other countries.

Shri Tek Chand: I will be happy if he is given the power.

Shri Pataskar: The power has been given.

Shri S. V. L. Narasimham (Guntur) *rose*—

Mr. Speaker: Let the hon. Minister go on. We have had general discussion and all that.

Shri Pataskar: Supposing a convicted man wants to stand for election. He has to approach the Election Commission. He must tell the Election Commission that he wants to stand for Election and therefore wants to be enabled to stand. It is for the Election Commission to say that 4 years and 364 days should elapse or that only one day should elapse. Therefore, section 7(b), as it stands, gives the power and it has created no difficulty. I do not see any difficulty.

Shri S. V. L. Narasimham *rose*—

Mr. Speaker: Shri Seshagiri Rao wanted to have a clarification. Let him ask for it.

Shri Seshagiri Rao (Nandyal): Now, under the Criminal Procedure Code, transportation is abolished.

Shri S. V. L. Narasimham: When that has been removed from the Code of Criminal Procedure, it should be removed from here also.

Mr. Speaker: The contention is that transportation has been removed from the Criminal Procedure Code.

Shri Pataskar: I do not know the number of the amendment. Transportation is not now there and it should be removed.

Shri Seshagiri Rao: I wanted to know whether it is Shri Alagesan's subject or it is the subject of the Minister of Legal Affairs.

Shri Pataskar: I did not quite follow.

Mr. Speaker: It is only a joke.

Shri Pataskar: Let me also understand it.

Mr. Speaker: What he means to say that 'transportation' is not, having a man sent from one place to another.

Shri N. C. Chatterjee: He asks: 'Does it pertain to the Transport Ministry?'

Shri Pataskar: At the time the original law was made, there was transportation. So, now, we have to delete the words, 'to transportation or'. If there is no amendment moved already, I will move it.

Shri Seshagiri Rao: Let it be my amendment, Sir.

I beg to move:

Page 2—

after line 30, *insert*:

"(aaa) in clause (b), the words 'to transportation or' shall be omitted."

Shri Pataskar: I accept that change. With respect to these amendments, I do not accept them except amendment No. 143.

Mr. Speaker: Am I to understand that the hon. Minister is not accepting any of these amendments?

Shri N. C. Chatterjee: He is accepting one amendment of mine.

Pandit Thakur Das Bhargava: The hon. Minister has not replied to any of the other amendments.

Shri Pataskar: I could, of course, take more time. I have carefully considered all those amendments and I can refer to each one of them. I would like to stick to what the Select Committee has done and most of these amendments are unnecessary.

Mr. Speaker: The question is:

Page 2—

after line 30, *insert*:

"(aa) at the end of clause (a) the following words shall be added:

'or the Election Commission has removed the disqualification'."

The motion was adopted.

Mr. Speaker: All the other amendments, except those of Shri Basu and No. 90 of Shri Kamath are barred by amendment No. 143 adopted just now.

The question is:

Page 2—

after line 37 *add*:

"(c) after clause (f), the following clause shall be added, namely:

'(g) if he is a member of the family of a Government servant of gazetted rank holding office in that constituency'."

The motion was negatived.

Shri Seshagiri Rao: I had submitted an amendment, Sir, about transportation.

Shri B. S. Murthy: Those words have already gone.

Mr. Speaker: Formally, they have to be put.

The question is:

Page 2—

after line 30, *insert*:

"(aaa) in clause (b), the words 'to transportation or' shall be omitted".

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I want to withdraw my amendment, No. 83.

The amendment was, by leave, withdrawn

Shri K. K. Basu: My amendments, 87, 88, 89 and 206 have to be put.

Mr. Speaker: The question is:

Page 2—

after line 30, *insert*:

"(aa) clause (b) shall be omitted."

The motion was negatived.

Mr. Speaker: The question is:

Page 2—

after line 30, *insert*:

'(aa) in clause (b) after the words "offence" the words "involving moral turpitude" shall be inserted.'

The motion was negatived.

Mr. Speaker: The question is:

Page 2—

after line 37, *add*:

'(c) in clause (f), after the words "disloyalty to the State" the words "and if they are so found by the High Court or Supreme Court" shall be inserted.'

The motion was negatived.

Mr. Speaker: The question is:

Page 2—

after line 37, *add*:

'(c) in clauses (d) and (e), the word "appropriate" shall be omitted.'

The motion was negtaived.

Mr. Speaker: The question is:

That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Shri V. G. Deshpande: What about the other amendments, Sir?

Mr. Speaker: I have already ruled them as barred.

Clause 5 was added to the Bill.

Clause 7.—(Substitution of new Part for Part III)

Shri Kamath: I have got 6 amendments, 45 to 50.

(i) Page 3, line 12—

for "Part III" *substitute* "Parts III and IV".

(ii) Page 4, line 12—

for "earlier than" *substitute* "later than",

(iii) Page 4—

lines 12 and 13—

after "six months" *insert* "or later than four months"

(iv) Page 44—

after line 14 *add*—

[Shri Kamath]

> "(3) A general election for the purpose of constituting a new House of the People shall be held simultaneously in all the Parliamentary constituencies of India.",

(v) Page 4, line 27—

for "earlier than" *substitute* "later than" and

(vi) Page 4, line 27—

after "six months" *insert* :

"or later than four months."

I shall be very brief. I shall take first amendment No. 45. It is only a very minor amendment. Due to oversight, I think, the draftsman has referred only to Part III of the principal Act. If you glance at the subsequent clauses you will find that Part IV has also been taken up herein. Therefore, that change might be accordingly made. The next reference to the Part comes in the clauses to Part V and there is no reference at all to Part IV in any of the succeeding clauses. Therefore, clause 7 of the Bill should read :

> "For Parts III and IV of the principal Act, the following Part shall be substituted, namely :—"

Mr. Speaker: Most of them are verbal alterations.

Shri Kamath: I will come to the other alterations. Amendments Nos. 46, 47, 49 and 50 can be taken up together; they refer to one matter and that is, the notification. Referring to clause 7, sub-section (2) of section 14 reads :

> "The President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon all parliamentary constitiuencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder :
>
> Provided that......"

My amendment refers to the proviso in this one, similarly in the provision relating to the election for the Assembly. The proviso is similar in both cases and my amendment also is similar. I would like to impose another condition or qualification or modification in this proviso.

There is nobody on the Treasury Benches now.

Shri V. G. Deshpande: He is talking over there.

Shri Kamath: I am sorry I did not see him because he was not in his seat.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy-Speaker, I was referring to the proposed sub-section of proposed section 14 of the principal Act and a similar proviso, of course, later on to the proposed sub-section (2) of proposed section 15 of the principal Act. It refers to the notifications by the President, Governor, Rajpramukh, Lieutenant-Governor or Chief Commissioner with regard to the elections to the Lok Sabha or to the State Vidhan Sabhas. Here the proviso stipulates that such notifications shall not be issued at any time earlier than six months prior to the date on which the duration of the Assembly would expire or the duration of the Lok Sabha would expire. During the last few days, all of us on this side of the House have been insisting that the Government should lay all their cards on the table, that is to say, when the elections are going to be held, whether the elections are going to take place next year or not or they are going to be postponed. People are anxious to know ; we as representatives of the people as the President's opposition, are anxious to know this. It would be better to call us the people's opposition instead of the President's opposition. In England it is said to be the Majesty's opposition, and in conformity with that, it should be the President's opposition here, but I do not know whether it would be accepted by all sides of the House. I might, therefore, use the more felicitous expression "the People's opposition". We want that Government should tell us when the elections would take place. The Prime Minister was very guarded in this matter. He himself stated that the Government is anxious about this ; he also stated that the Government intends to hold the elections next year. But the Election Commission might not be ready. There are so many 'ifs' and 'buts.' It is very essential that we should provide for this matter. It is not a very big thing that I am asking for. If you will kindly read the amendments that I have tabled, Nos. 46, 47, 49 and 50 —the earlier amendments refer to the Lok Sabha elections and the latter ones referred to the Vidhan Sabha elections—you will find this. Let me refer you first to amendments Nos. 47 and 50. We should be in a position to know the plan with regard to the elections.

The amendment would read "earlier than six months or later than four months prior to the date on which the duration of that House would expire under the provisions of clause (2) of article 83." As it stands, the Government could issue a notification at any time that suits it and the only restriction is that this shall not be issued at any time earlier than six months prior to the date on which the duration of the House would expire, that is to say, it should not be issued at any time before December. As the duration of the Lok Sabha expires on 12th May, 1957, the notification, if this is accepted, shall not issue before 12th December 1956. I would make it, if possible, 'not later than', that is to say, the upper limit; we should not issue a notification after December 1956. We should know much earlier than that the plans of the Government. I do not think it is a difficult proposition for the Government to agree that the notifications should issue with regard to these elections befor the 12th December, 1956, and not later than that. I would, therefore, commend my amendments for the acceptance of the House so that all of us are on the same boat so far as the elections are concerned. We would like to plan our programmes accordingly and it would help the Ministers as well as all Members of the House, if we are apprised of the plan well ahead. I would request that the amendment to this proviso be accepted so that the notification might issue before December, 1956 and we could plan our programmes accordingly.

One more amendment that I have got is No. 48, which reads :

Page 4, *after* line 14 *add* :

"(3) A general election for the purpose of constituting a new House of the People shall be held simultaneously in all the Parliamentary constituencies of India."

Shri K. K. Basu : On the same day?

2 P. M.

Shri Kamath : If not the same day, the same week, but the dates should coincide. As the House is well aware, in the U. K.—the analogy is not 100 per cent. appropriate—it is held throughout the entire country the same day. All the elections take place on one day and the efficiency—the mechanised efficiency I can call it—is so perfect that the results are announced that very night. The counting is mechanised. The election results are announced the very same night or perhaps the next day at the most. I need not remind the House. What happened in the last general elections to the Lok Sabha ? In my State of Madhya Pradesh, they were spread over a period from December 24 to January 26—about a month. In other States they took place in February in some other places it was in early March. In U. P. it seems it went on till early March. In Himachal Pradesh, it was held as late as October or early November. Thus, the elections were spread over a period of 4½ to five months. That, may I submit, gives an advantage to the party as I referred yesterday—Ministers, money and machinery. Then the party leaders can travel all over the country in all kinds of transport, IAF dakotas, President's plane and then their own State cars which we in the Opposition cannot afford to.

Apart from the facilities enjoyed by the ruling party, which come in handy and useful to them, if the election period is spread over four or five months, they can go and attack province by province and candidate by candidate also, if they choose. That sort of thing is hardly desirable or conductive to a fair and free election. I, therefore, suggest that we should make an honest effort—if an honest effort is possible to be made by the Members opposite—and on earnest effort to see that the elections to the Lok Sabha are held and completed within a specific period of time,—a week or perhaps ten days at the most,—all over the country—in all the constituencies—so that the advantages and disadvantages may be common to all the parties. It will then be very difficult for the Ministers and other leaders to go from one constituency to another if they have to attend to their own constituency during that period. Therefore, in the interests of fair and free elections which, I presume the Treasury Benches want to have—I hope they mean what they say when they say that they want fair and free elections which is the basis of parliamentary democracy,—I demand that the next parliamentary election shall be held simultaneously within a week or so. It may not be possible to complete

[Shri Kamath]

it in one day but it must be possible to conclude the elections in all the constituencies throughout the country within one week.

Mr. Deputy-Speaker: Amendments moved:

(i) Page 3, line 12—

for "Part III" *substitute* "Parts III and IV".

(ii) Page 4, line 12—

for "earlier than" *substitute* "later than"

(iii) Page 4, lines 12 and 13—

after "six months" *insert* "or later than four months."

(iv) Page 4—

after line 14, *add*:

> "(3) A general election for the purpose of constituting a new House of the People shall be held simultaneously in all the Parliamentary constituencies of India."

(v) Page 4, line 27—

for "earlier than" *substitute* "later than"

(vi) Page 4, line 27—

After "six months" *insert* "or later than four months".

Shri Seshagiri Rao: I would like to request the hon. Minister to consider an amendment which I have not given but which I am suggesting.

Mr. Deputy-Speaker: How can he consider an amendment which is not given?

Shri Seshagiri Rao: I am speaking on that point. It is such an innocuous amendment and the Minister can have no objection.

In clause 5(b), it reads:

> "(b) a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date on which the Election Commission has decided......"

Here, I want to add the words 'after hearing the candidate.'

Shri K. K. Basu: What is the clause?

Shri Seshagiri Rao: Clause 5.

Mr. Deputy-Speaker: We are discussing clause 7 of the Bill.

Shri Seshagiri Rao: Then, I am sorry.

Shri K. K. Basu: I have heard with great interest what my friend, Shri Kamath has said. I generally approve of the idea contained in his amendment. He wanted to limit the period of the elections throughout India to one day. I am glad that he modified it ultimately. To limit it to one day seems to be rather absurd in the context of our country. But, I fully appreciate the feeling expressed by him. Elections throughout the country should be made to synchronise as far as possible. It should be limited to as few days as possible. I think the suggestion which he made in the end of his speech that it may be limited to a week or ten days, should be accepted. I remember we discussed once this matter with the Election Commissioner. He did not commit himself. But he was also of the view that if the necessary apparatus in men, especially suitable personnel, was available in the different States, it might be possible to reduce the days to a week or ten days or a fortnight at the most. Last time the personnel were not available and most of them were completely new to the work. Now, they have developed some amount fo skill, if I may say so, so far as the conduct of elections is concerned. For those persons or organisations which have very little influence with the publicity machinery, newspapers, etc. it is very difficult to face the situation when in certain States there are alliances between one party and another.

We have got to face the realities in our country. Even today, the results of a particular area influence the verdict in other constituencies in the same State or even outside. It works both ways. In our State, we defeated eight prominent sitting Ministers. In some cases, the elections were held on the first day. One candidate was defeated by 18,000 votes in a straight contest. He was practically the second man in the Cabinet. But the result was announced fifteen days were over. The speculaion was naturally this way and that way. In a Cabinet of 12 or 13 of a particular State, if nine relatively important Ministers were defeated, it would influence the results. It may work the other way also. Anyway, the Congress Party has come into power but that may be because of the local situation. Anyway, I feel that an effort has to be made. I do not know whether a specific amendment can be put in. But, if the Minister is willing to give an assurance that he will use all his authority and force and strength to see and help the Election Commissioner, then it may be possible. Elections should be held in more or less the same time throughout India ; the period should not exceed a week or ten days as suggested by my friend, Shri Kamath.

I now come to the proposition of putting a limit, on the other side. They should issue the notification not later than four months prior to the date on which the duration of the House would expire. The announcement should be made by the President or the Governors. The Rajpramukhs are being liquidated as an institution. Shri Kamath has very strongly urged about this. We are all perturbed about the general elections. The other side is equally perturbed. But for a privileged few, generally speaking Members on the other side also are perturbed. They want to know when the general elections are coming. According to this provision, the period is limited to a certain time. It shall not be earlier than six months. But the other side is not there. According subsequent provisions where limitations as to the notification of the date for filing nomination for scrutiny and holding polls are given, it is practically limited to 40 or 45 days which works out to a maximum of seven weeks. Therefore, it may be possible that general election is called in these cases only seven weeks before the date when the election is proposed to be held, because, as the Prime Minister says, the Election Commission may find some difficulty. We have no knowledge as to what is the difficulty and what preparation the Election Commission is making. The Government can know it from the Election Commissioner, but there is no chance for any Member of the Opposition to get knowledge of these things.

In our country, Sir, as you know very well, there are certain parts where the topographical conditions are such that it is very difficult to travel very quickly from one part to the other. Therefore, it is absolutely necessary that we should have some more time to approach the electorate. We also know that the other forms of propaganda like newspapers and even radios are not there. Radios are being used only by the party in power. We cannot approach the electorate through papers because the illiteracy is so much that the majority of the people do not have any access to the newspapers. We have, therefore, to approach the electorate through personal propaganda, by going and meeting them in their villages.

I would, therefore, stress that in view of the topographical conditions of the country more time is absolutely necessary. Whether it should be 3 months or 4 months, I cannot just now say. Sufficient time has to be given and the public should be informed when the elections are going to take place. I hope the hon. Minister will accept, if not the letter, the spirit of my amendment. If nothing definite can be said just now, he can at least give a categorical assurance that so far as the limit beyond which the elections should not be notified by the President and the Governors is concerned, more time will be given.

Shri Kamath : Sir, with your permission I want to correct just one thing. I said: "December" in my speech: It should be "November".

Shri M. L. Agarwal : I beg to move :

(i) Page 4—

for lines 1 to 3 *substitute* :

> "14(1) For the purpose of constituting a new House of the People to function on the dissolution of the House of the People a general election shall be held".

(ii) Page 7—

after line 9 *add* :

> "Provided that where the House of the People is dissolved by the efflux of time under article 83(2), the election and all incidental proceedings may be completed before such dissolution".

[Shri M. L. Agrawal]

(iii) Page 4—

for lines 15 to 18, *substiute* :

> "15(1) For the purpose of constituting a new Legislative Assembly to function on the dissolution of the Legislative Assembly of a State, a general election shall be held".

(iv) Page 4—

after line 24 *add* :

> Provided that where the Legislative Assembly of a State is dissolved by the efflux of time under article 172(1), the election and all incidental proceedings may be completed before such dissolution."

Shri Krishna Chandra (Mathura-Distt. West) : Sir, I want to speak on section 14 of the Act, under clause 7 of this Bill.

Mr. Deputy-Speaker: Hon. Member shall be very brief as we have to finish this in half an hour.

Shri Krishna Chandra: I beg to move :

(i) Page 4, line 2—

for "on" *substitute* "before"

(ii) Page 4, line 16—

for "on" *substitute* "before"

Section 14 says :

> "A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution."

That means, for the purpose of holding a general election either the term of the present House must expire or it must be dissolved because of the significance of the word 'on'. I have given an amendment that for the word 'on' we should substitute 'before.' If this word 'on' remains, even if we want to hold the general elections in March and issue the notifications about elections six months before, then the House will have to be dissolved in November or October, because without dissolution election cannot be held. There are only two conditions, either on the expiration of the period of the present House or on its dissolution, under which elections can be held. If you do not hold the elections after expiration of the period and want to hold the elections in March, then we shall have to dissolve the House in October or at the latest in November. It will be a difficult thing, because, according to our schedule, the new States will not be formed before 1st November. So, as soon as the new States are formed, all Legislatures in the States and the Parliament will be dissolved or even before the new States are actually formed these legislatures will have to be dissolved. My amendment is that this word 'on' should be changed into 'before'.

Mr. Deputy-Speaker: The amendments moved by Shri M. L. Agrawal and Shri Krishna Chandra are also before the House.

Shri Pataskar: So far as this clause is concerned, particularly section 14 on page 4, our friend Shri Kamath has suggested certain amendments. I would like to consider this matter not from the point of view of the interests of any particular party, individual or group, but let us try to examine whether what we are doing here is the correct thing under the circumstances obtaining today. As regards Ministers, money and machinery, well, I think that need not always make us think otherwise than in a straight and constitutional manner. After all, I need not here enter into a discussion or argument with my friends about the machinery or men. As regards Ministers, my hon. friend Shri K. K. Basu, said that he defeated so many Ministers (*Interruptions*). It appears, therefore, that they are not really as immobile as some people think about them.

So, let us examine the provision as it is, apart from all these extraneous considerations. The concerned section says:

> "A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution."

We are all aware that there is clause (2) of article 83 in our Constitution, which lays down :

> "The House of the People, unless sooner dissolved, shall continue for five years."

So, normally we shall continue till May. If it is dissolved earlier than that date, naturally there will be elections earlier also. What the section says is that general elections shall be held either on the expiration of the period, or, if the House is dissolved earlier, after its dissolution. There is nothing wrong in it. It is perfectly clear.

Then we come to clause (2) of section 14 which says:

> "For the said purpose the President shall by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission call upon all parliamentary constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:"

It has to be noted that it is the President who only has to issue the notification. And, on whose advice? On the recommendation of the Elecetion Commission. Speaking constitutionally,—what somebody might do indirectly, whether it is true or otherwise, is a different matter—the notification is to be issued by the President and that has to be done at the instance of the Election Commission. We should, at least for the purpose of enacting the law, always take the view that the Election Commission and the President will be acting as they are expected to act under the Constitution. Therefore, there is nothing wrong so far as this provision is concerned; leave aside all other prejudices or favours, whatever it may be.

Then we come to the proviso which says:

> "Provided that where a general election is held...."

So, this contemplates a case where an election is held not on the dissolution of the existing House of the people. Then what is to happen? The proviso says:

> ".....no such notification shall be issued"

Supposing it is dissolved, then there is no difficulty. If it is not dissolved, then:

> ".....No such notification shall be issued at any time earlier than six months prior to the date on which the duration of that House would expire under the provisions of clause (2) of article 83."

What it lays down is that, where the election is not being held on the dissolution of the existing House, then such notification should be issued not earlier than six months prior to the date of the expiration of the term of the existing House. So, if the House is not dissolved, then no election should be held earlier than six months of the date on which the term of the present House is to expire. If we again consider this provision dispassionately, I think it is the right thing to do in such cases. We should not call upon the Election Commission, say, 8 months before the period expires. Of course, if the House is dissolved that is another matter. On the contrary, there is every fear that if the election is called, say, 8 months before the period expires, then naturally it would be open to objection that the party in power, for the purpose of getting some advantage for its own self while they are in office and continue to be in office for a long period, has tried to see that the elections are held. It is not, tehrefore, proper. Then what should be the time? This provision says that you might call for an election but not earlier than six months. That is the longest period and it should not be earlier than that. That means, that it may be held at any time within that period of six months. That is true.

Now, the only question that arises is, what is the next fear? The next fear is that it may be so hustled, that it may not be held simultaneously and that it will leave only very little time to particular people to canvas and get the support and work for the election in a proper manner. But let us forget that the Government has anything to do with these matters. The Government has nothing to do with them. It is only the President who has to issue a notification, and further, the Election Commission is an independent authority. Do you mean to say that it cannot even be trusted?

Shri Kamath: The President acts upon your advice.

Shri Pataskar: May be. The President is the Head of the State. However, I do not want to enter into a discussion about the President. He is the Head of the State and he may be guided by one party now, but supposing, there is another party and the same President continues. Then what happens? So, what I say is, looking into the nature of the provision, I say that the only object

[Shri Pataskar]

in putting this provision was that if it is not going to be solved, let not the election be held more than six months prior to the date on which the period expires. I think that is legitimate.

Shri Kamath: What about the notification?

Shri Pataskar: Supposing it is in May, it cannot be earlier than six months. That is what it means. I believe that the section as it is, is well-worded and it has been scrupulously thought of. Of course, one can suspect many things, but I would appeal to the hon. Members that, looked at from this point of view, there is no justification for any of these amendments.

There was one point about simultaneous elections. As has already been pointed out, the Election Commission has said that it is desirable that the elections should, as far as possible, be simultaneous, that is, not on the same day. That is what the provision means. We do not want an election to take place somewhere now and another election to take place at another place after six months. That is not the idea. Of course, there might be difficulties which the Election Commission will have to think of. Let us all take into consideration the fact that on the President's notification, the Election Commission will act normally and not abnormally. That is the only suggestion and request that I would make finally to all the hon. Members of this House to consider.

Shri K. K. Basu: What is the Government's reaction? It all depends largely on the help that the Government gives, so far as the availability of the personnel to conduct the elections is concerned. If the Government is agreeable to have the elections limited to a few days, then the Election Commission can do so.

Shri Pataskar: I do not think there is any justifications for asking the Election Commission to do so. The Government never want to come in the way of the working of the Election Commission. We never want to do it.

Shri Kamath: Polling and counting should be held simultaneously as far as possible.

Shri Krishna Chandra: Will the present legislatures continue after the President's notification has been issued?

Shri Pataskar: Those are all matters outside the scope of this Bill. I am only in charge of law.

Mr. Deputy-Speaker: I shall now put the amendments to the vote of the House. Does any hon. Member want me to put any set of amendments separately, or, shall I put all the amendments together to the vote of the House?

Shri Kamath: Amendment Nos. 46 and 49 may be put together and then amendment Nos. 47 and 50 may be put together and afterwards amendment No. 48 may be put.

Shri K. K. Basu: If the amendments are going to be accepted, why not put all of them together?

Shri Kamath: What about amendment No. 45 relating to Part III of the principal Act? I suppose that is a mistake in printing.

Shri Pataskar: It relates to Part III only. Part IV remains.

Mr. Deputy-Speaker: The question is:

Page 3, line 12—

for "Part III", *substitute* "Parts III and IV".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 12—

for "earlier than" *substitute* "later than"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 27—

for "earlier than" *substitute* "later than"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, lines 12 and 13—

after "six months" *insert* "or later than four months".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 27—

after "six months" *insert* "or later than four months".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 14, *add*:

"(3) A general election for the purpose of constituting a new House of the People shall be held simultaneously in all the Parliamentary constituencies of India."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 2—

for "on" *substitute* "before".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 16—

for "on" *substitute* "before".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

for lines 1 to 3 *substitute*:

"14(1) For the purpose of constituting a new House of the People to function on the dissolution of the House of the People a general election shall be held."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7—

after line 9 *add*:

"Provided that where the House of the People is dissolved by the efflux of time under article 83(2), the elecion and all incidental proceedings may be completed before such dissolution."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

for lines 15 to 18, *substitute*:

"15(1) For the purpose of constituting a new Legislative Assembly to function on the dissolution of the Legislative Assembly of a State, a general election shall be held."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 24, *add*:

"Provided that there the Legislative Assembly of a State is dissolved by the efflux of time under article 172(1), the election and all incidental proceedings may be completed before such dissolution."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 2, 3, 6 and 8 to 40

Mr. Deputy-Speaker: We now take up the other clauses—2, 3, 6 and 8 to 40. All these clauses together with the amendments will now be discussed. We have an hour and a half for this group of clauses.

The following amendments have been indicated by Members to be moved to this group of clauses subject to their being otherwise admissible:

Clause No.	Nos. of amendments
3	41.
3A	42, 43, 142.
9	96, 51.
10	97.
10A	9; 98, 150, 151.
11	52.
13	62, 1, 10 (Same as 1), 99, 101, 53, 100.
15	63, 11, 102, (Same as 11), 103, 105 (Same as 12), 106, (Same as 36) 107, (Same as 13) 12, 13, 104, 153, 154, 34, 35, (Some as 12), 36, 37, 108 (Same as 37). 109, 110, 111, 112, 113 14, 115(Same as 14), 15,
16	38 (Same as 15), 114 (Same
17	as 15). 116.
18	16, 17, 39, 117, 119. 121, 123, 124, 156, 157, 122 118(Same as 16), 120(Same as 17).
18A	64.
19	125, 40, 158.
21	126, 127, 185.
26	128.
27	54.
32	2, 22, 186.
34	23.

Clause 3

Shri Kamath: I beg to move:

(i) Page 1, line 22—

after "in clause (d)" *insert*:

"the words 'other than the State of Jammu and Kashmir' shall be omitted; and"

New Clause 3A

Shri Kamath: I beg to move:

(i) Page 2—

after line 27, *insert*:

"3A. *Amendment of section* 3.—In section 3 of the principal Act, in sub-section (1), the brackets and words '(other than the State of Jammu and Kashmir)' shall be omitted."

(ii) Page 2—

after line 27, *insert*:

"3A. *Amendment of section* 4.—In section 4 of the principal Act the words 'other than a seat allotted to the State of Jammu and Kashmir' shall be omitted."

Shrimati Khongmen: I beg to move:

Page 2—

after line 27, *insert*:

'3A. *Amendment of Section* 5.—In section 5 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

"(b) in the case of a seat reserved for an autonomous district of Assam other than a seat the constituency for which comprises the cantonment and municipality of Shillong, he is a member of a Scheduled Tribe of any district and is an elector for any Assembly constituency in any district; and"

Clause 9

Shri K. K. Basu: I beg to move:

Page 5—

after line 22 *add*:

"Provided furher that nothing in this section shall prevent the Election Commission from designating or nominating any person other than an officer of the Sate Government to be a returning officer."

Shri Kamath: I beg to move:

Page 5—

after line 22, *insert*:

"Provided further than nothing in this section shall authorise the Election Commission to designate or nominate the same person to be the returning officer for more than one Parliamentary constituency."

Clause 10

Shri Krishna Chandra: I beg to move:

Page 5—

for clause 10 *substitute*:

"10. In section 22 of the principal Act, the proviso to sub-section (2) shall be omitted".

New Clause 10A

Page 5,—

after line 25 *insert*:

"10A. *Amendment of section* 25.—In section 25 of the Principal Act, after the words 'polling areas', the words 'or groups of voters' shall be inserted."

Shri Kamath: I beg to move:

(i) Page 5—

after line 25, *insert*:

'10A. *Amendment of section* 25.—To section 25 of the principal Act, the following proviso shall be added namely:—

"Provided that there shall not be less than one polling station for an area comprising not more than one thousand voters and provided further that the polling station shall not be more than three miles distant from any village included in that area."'

(ii) Page 5,—

after line 25, *insert*:

'10A. *Amendment of section* 24.—In section 24 of the principal Act, the word "general" shall be omitted.'

(iii) Page 5—

after line 25, *insert*:

'10A. *Substitution of new section for section* 24.—For section 24 of the principle Act, the following section shall be substituted:

"24. (1) The proceedings at any election shall be conducted in accordance with the provisions of this Act and the rules or orders made thereunder.

(2) It shall be the duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made thereunder." '

Clause 11

Shri Kamath: I beg to move:

In page 5—

after line 31, *insert*:

"Provided further that the distance between the two polling stations is not more than fifty yards".

Clause 13

Shri V. G. Deshpande: I beg to move:

Page 6, line 8—

for "third day" *substitute* "eigth day"

Shri Bhakt Darshan: I beg to move:

Page 6, line 13—

for "twentieth day" *substitute*:

"thirtieth day".

Shri Dabhi (Kaira North): My amendment No. 10 is the same as No. 1 moved just now.

Shri K. K. Basu: I beg to move:

(i) Page 5, line 40—

for "tenth day" *substitute* "fifteenth day"

(ii) Page 6, line 13—

for "twentieth day" *substitute* "fortieth day"

Shri Kamath: I beg to move:

(i) Page 6, line 13—

for "twentieth day" *substitute* "twenty-fourth day".

(ii) Page 6, line 13 —

for "twentieth day" *substitute* "sixteenth day"

Clause 15

Shri V. G. Deshpande: I beg to move:

Page 7, line 13—

omit "or disloyalty to the State"

Shri S. S. More: I beg to move:

Page 6, lines 30 and 31—

for "his proposer" *substitute*:

"a person authorised in writing by him in this behalf".

Shri R. D. Misra (Bulandshahr Distt.): I beg to move:

Page 6, lines 30 and 31—

for "his proposer" *substitute*:

"a person authorised in writing by a special power of attorney in this behalf by him or by his proposer".

Shri S. S. More: I beg to move:

(i) Page 6, lines 35 and 36:

omit "and by an elector of the constituency as proposter."

(ii) Page 7—

for lines 14 to 18 *substitute*:

"(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the name and electoral roll number of the candidate as entered in the nomination paper is the same as entered in the electoral rolls."

(iii) Page 7, lines 15 and 16—

for "names and electoral roll numbers of the candidate and his proposer" *substitute* "name and electoral roll number of the candidate".

(iv) Page 7, line 21—

for "names of numbers" *substitute*: "name or number".

Shri M. L. Agrawal: My amendments Nos. 11, 12 and 13 are the same as Nos. 102, 105 and 107 respectively moved by shri S. S. More.

Shri K. K. Basu: I beg to move:

Page 6, line 35—

after "candidate" *insert*:

"or if the candidate is in jail by an authorised agent who will also file an affidavit to the fact of the candidate being in jail in such manner as may be prescribed".

Shri Krishna Chandra: I beg to move:

(i) Page 6—

for lines 29 to 36, *substitute*:

"33. (1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person, or by an agent duly authorised in writing for the purpose, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the notice issued under section 31, a nomination paper in the prescribed form duly signed by the candidate."

(ii) Page 7—

omit lines 14 to 33.

Shri Raghubir Sahai (Etah Distt. North—East *cum* Budaun Distt.—East): I beg to move:

Page 6, lines 30 and 31—

for "proposer" *substitute* "authorised agent".

My amendments Nos. 35, 36 and 37 are the same as Nos. 105,106 and 108, respectively moved by Shri S. S. More.

Clause 16

Shri K. K. Basu: I beg to move:

(i) Page 7, line 40—

for "five hundred rupees" *substitute* "two hundred rupees"

(ii) Page 7, line 42 —

for 'two hundred and fifty rupees" *substitute*:

"one hundred rupees"

(iii) Page 8, line 2—

for "two hundred and fifty rupees" *substitute* "one hundred rupees"

(iv) Page 8, lines 4 and 5 —

for "one hundred and tweny-five rupees" *substitute* "fifty rupees"

(v) Page 8, line 7—

for "fifty rupees" *substitute* "twnety-five rupees"

Clause 17

Shri S. S. More: I beg to move:

Page 8—

for clause 17 *substitute*:

"17. In section 35 of the principal Act, for the words "both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder" the words, "of the candidate" shall be substituted.

(ii) Page 8—

for clause 17, *substitute*:

"17. In section 35 of the principal Act, for the words "inform the person or persons", the words, "inform the person" shall be substituted.

Shri M. L. Agrawal: My amendments Nos. 14 and 15 are the same as amendments Nos. 115 and 114 respectively moved by Shri S. S. More.

Shri Raghubir Sahai: My amendment No. 38 is also the same as No. 114 moved by Shri More.

Shri Krishna Chandra: I beg to move:

Page 8—

for clause 17, *substitute*

"17. *Amendment of section* 35.—In section 35 of the principal Act, the words both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder shall be omitted."

Clause 18

Shri S. S. More: I beg to move:

(i) Page 8, line 16—

for "and one seconder" *substitute*: "one proposer and one seconder of each candidate"

(ii) Page 8—

for lines 33 and 34, *substitute*:

"(c) that the signature of the candidate on the nomination paper is not genuine."

Shri M. L. Agrawal: My amendments Nos. 16 and 17 are the same as Nos. 118 and 120 respectively moved by Shri More.

Shri Raghubir Sahai: I beg to move:

Page 8—

(i) *for* lines 16 and 17, *substitute*:

'(a) in sub-section (1), the words "one proposer and one seconder of each candidate" shall be omitted.'; and

(ii) lines 33 and 34, *omit* "or the proposer".

Shri Krishna Chandra: I beg to move:

(i) Page 8—

omit lines 16 and 17.

(ii) Page 8—

for lines 23 to 30, *substitute* :

"(a) that any of the particulars given by the candidate in his nomination paper is materially incorrect or untrue".

(iii) Page 8, lines 33-34—

omit "or the proposer".

(iv) Page 8—

after line 35 *insert* :

"(d) that he is not entitled to be enrolled as an elector".

(v) Page 8 and 9—

for lines 35 to 38 and 1 and 2 respectively *substitute* :

"(c) sub-section (3) shall be omitted".

Shri S. V. L. Narasimhan : I beg to move:

(i) Page 8—

after line 30, *add* :

"Provided that a conviction and sentence exceeding two years of imprisonment for an offence of either a political nature or not involving moral turpitude will not entail a disqualification to be chosen as a member of either House of Legislature or Parliament, or"

(ii) Page 9—

after line 19, *add* :

"Provided that any person, whose nomination paper is rejected by the Returning Officer, shall have a right to appeal to the High Court within three days of the date of the order, and the High Court shall decide the appeal within seven days of receipt of the appeal and in case the High Court reverses the order of the Returning Officer, the candidate's name shall be added to the list of valid nomination."

Shri K. K. Basu: I beg to move:

Page 8—

after line 34 *add* :

"Provided that when the candidate is in Jail, the genuineness or absence of candidate's signature should not be challenged."

New Clause 18

Shri V. G. Deshpande: I beg to move:

Page 9—

after line 19, *insert* :

'18A. *Insertion of new section* 36A.—After section 36 of the Principal Act, the following section shall be inserted, namely:—

36A. (1) A duly nominated candidate will have the right to prefer an appeal against improper acceptance or rejection of the nomination paper with District and Sessions Judge of the District. The appeal shall be filed within one day of the decision by the Returning officer. On the fourth day after the scrutiny the Sessions judge will hear the appeal and give his decision on the fifth day. The aggrieved party will be required to give notice of its intention to prefer an appeal the same day on which the decision of the scrutiny is announced and the Returning Officer will notify the fact on the board and no separate notice to candidates would be necessary.

(2) The appeal would be presented to the Returning Officer addressed to the District and Sessions Judge accompanied by a treasury receipt for rupees one hundred. The Returning Officer will forward the appeal to the District and Sessions Judge." '

Clause 19

Shri S. S. More : I beg to move :

Page 9—

lines 20 and 21 —

for 'the word "seconder" *'substitute*: the words "or by his proposer, seconder" '.

Shri Raghubir Sahai : I beg to move :

Page 9—

for clause 19, *substitute* :

'19. In section 37 of the principal Act—

(a) in sub-section (1), for the words "by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate" the words "by any other authorised agent" shall be substituted ; and

(b) the proviso shall be omitted.'

Shri Krishna Chandra : I beg to move :

Page 9—

for clause 19, *substitute* :

'19. *Amendment of section* 37.—In section 37 of the principal

Act, in sub-section (1), for the words "by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate" and the proviso, the words "by a person duly authorised in writing for that purpose by the candidate" shall be substituted.'

Clause 21

Shri K. K. Basu: I beg to move:

(1) Page 9, line 43 —

for "tenth day" *substitute :*

"fifteenth day".

(ii) Page 10, line 14—

for "seventh day" *substitute* :

"thirtieth day".

Sardar Iqbal Singh: I beg to move:

Page 10, line 14—

for "seventh day" *substitute* "twentieth day".

Clause 26.

Shri Krishna Chandra: I beg to move:

Page 11, line 35—

add at the end:

"On production of a letter of authority in the prescribed form those agents and relief agents shall be allowed to act as polling agents."

Clause 27

Shri Kamath: I beg to move:

Page 12, lines 4 and 5—

for "but not exceednig such number as may be prescribed" *substitute* "but not exceeding one per ten or fraction of ten ballot boxes".

Clause 32

Shri Bhakt Darshan: I beg to move:

Page 13, line 34—

for "ten days" *substitute* "five days".

Shri Rane: I beg to move

Page 13, line 38—

for "is" *substitute* "has".

Sardar Iqubal Singh: I beg to move:

Page 13, line 34—

for "ten days" *substitute* "seven days".

Clause 34.

Shri Rane: I beg to move:

Page 14—

for clause 34 *substitute* :

"34. *Substitution of new section for section* 58.—For section 58 of the principal Act, the following section shall be substituted, namely:

58. *Fresh poll in the case of destruction, etc., of ballot boxes.* (1) If at any election, any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of presiding officer or the returning officer, or is in any way tempered with, or is accidentally or intentionally destroyed, lost or damaged, and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall—

(a) declare the polling at that polling station or place to be void;

(b) report the matter forthwith to the Election Commission and to the appropriate authority;

(c) with the previous approval of the Election Commission, appoint a day, and fix the hours for taking a fresh poll at the polling station or place; and

(d) notify the day so appointed and the hours so fixed by him in such manner as the Election Commission may direct.

(2) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll".

Mr. Deputy-Speaker: All these amendments are before the House.

Shrimati Khongmen: I have moved amendment No. 142. The old clause reads as follows:

"(b) in the case of a seat reserved for an autonomous district of Assam other than a seat the constituency for which comprises the cantonment and municipality of Shillong, he is a member of a Scheduled Tribe of that district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district."

According to this old clause, in order that a person may be qualified to be a candidate, he should belong to a particular tribe and live only in that particular district. For instance, a Naga tribe can stand only from the Naga hills; a Khasi from the Khasi hills; a Lushai from the Lushai hills and so on and so forth. Suppose a member of the Khasi tribe lives in some other district. What will become of those tribes? According to the old clause, if some other tribes live in the Khasi hills, they can be voters only for all time to come; they can never stand as candidates. Also, a member of that tribe cannot stand from a constituency where his tribe lives, if by accident of birth or by residence, he goes and lives in another district. Therefore, this opportunity is denied to him. Probably this clause is based on the provision in the Constitution contained in article 332(6) which reads as follows:

> "No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district except from the constituency comprising the cantonment and municipality of Shillong."

I have already pointed out the practical difficulty that a candidate is faced with. Previously, there was no difficulty for any tribe to stand from any district. But, after the passing of this Bill, they could not stand as candidates. In view of these difficulties that I have pointed out, I earnestly request the Minister to see the necessity of bringing an amendment to the Constitution, so that this disqualification may be removed. Of course, I could appreciate the wisdom of our Constitution-makers when they put this provision in the Constitution. Probably it was with a view to give protection to the tribes living in these autonomous districts. I could appreciate the protection that they intended to give, so that the tribes may not be exploited by other people. But I cannot understanding giving protection to a tribe from a tribe.

I request the hon. Minister to accept my amendment and also to see that the Constitution is amended, so that this difficulty may be removed.

Shri Kamath: I will deal with my amendments briefly. I will take them in bunches. I will take amendments Nos. 41, 42 and 43 first. It is only a continuation of the point I made yesterday in the course of my brief observations. These amendments seek to extend the scope of this Act—the Representation of the People Act—to Jammu and Kashmir. The original Act as well as this amending Bill do not touch upon that at all. I am sure the usual pretext or excuse will be trotted out that there has been no consultation with the Jammu and Kashmir Government nor does the Principal Order issued sometime ago embrace this particular matter within its ambit and therefore nothing can be done. That is the usual excuse coming from the other side with regard to all legislation that we seek—that the Opposition seeks—to extend to Jammu and Kashmir. Their protestation is that Jammu and Kashmir is an integral part of India, but it does not appear to be so to us. They live in a well-known paradise...

Mr. Deputy-Speaker: Has the hon. Member only heard of it or has he enjoyed it?

Shri Kamath: I have not had the privilege of enjoying it so far.

I fail to understand how the Prime Minister and his colleagues or any of the Members opposite can have the guts or hardihood to say that Jammu and Kashmir is an integral part of the Indian Union when these laws are not extended to it. So many laws are not extended. The election law, this fundamental law of democracy which is the base of parliamentary democracy is not extended to that State at all. They have their own laws; they are the makers and they are the executors. There is no independent authority at all. That is why there is so much mess there in the Elections. There have been so many complaints in the recent municipal elections there. There has been a demand for a Commission of Enquiry. If at all they are sincere in their protestation that Jammu and Kashmir is an integral part of India, it is high time that something is done in this matter and the Election Commission's jurisdiction is extended to the entire Jammu and Kashmir State. That is with regard to amendment Nos. 41 to 43.

I turn next to amendments 150 and 151. I will invite your attention to section 24 of the principal Act which seeks to define the duties of the returning officer in an election. The Representation of the People Act of 1949 of the U. K., of which this Act of ours is more or less a replica, provides for this matter in a more specific manner. Nowhere in this Act of ours, neither in the principal Act nor in the amending Bill is there a specific provision to say that an election shall be conducted in

[Shri Kamath]

accordance with the provision of this Act and the rules made thereunder. I have read the original Act and the amending Bill.

Shri S. S. More: What about the preamble?

Shri Kamath: The preamble cannot be enforced. It is not justiciable; it is not part of the Act. The particular provision in the U.K. Act reads like this:

> "(1) The proceedings at any election shall be conducted in accordance with the provisions of this Act and the rules or orders made thereunder.
>
> (2) It shall be the duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made thereunder."

Mr. Deputy-Speaker: Is it that in the mind of the hon. Member that some doubt arises whether it would apply to the conduct of elections?

Shri Kamath: I was coming to that I am speaking from personal experience. When I was conducting my election petition, this point arose and it was argued by both sides before the Tribunal as to what the duties of the returning officer were. The returning officer had not complied with certain things, he did not do some things which were obligatory for him, he failed to do something prescribed under the law. Nowhere is it specifically laid down. The original Act, section 24 says, "It shall be the general duty of the Returning Officer...."The word 'general' is delightfully vague. I do not know how any of my lawyer colleagues would interpret this word 'general' in a court of law, unless it is specifically laid down that it shall be the duty of the Returning Officer. The wording 'general duty' is full of dangers and pitfalls, full of mischief any way if not of dangers and pitfalls. Therefore, I suggest that this word 'general' may be omitted. The section will say, "It shall be the duty ....". I would be happier still if amendment 151 is accepted. Amendment No. 150 only refers to the omission of 'general' I would rather insist upon amendment No. 151.

Mr. Deputy-Speaker: Is it 51 or 151?

Shri Kamath: It is 151 Amendment No. 151 also includes amendment 150 within its scope. I have sought to incorporate *mutatis mutandis* the provisions of the U. K. Act that the proceedings at any election shall be conducted in accordance with the provisions of this Act and the rules or orders made thereunder. Unless it be out of sheer cussedness, the Minister should not refuse to accept such an amendment. It only seeks to make the law clearer than it is today.

Then, I come to amendment No. 54 as regards counting agents. Clause 27 of the Act provides that the number of counting agents shall not exceed such number as may be prescribed. It may be that the rules will provide for this matter. But I seek to make provision in the Act itself, because most of us experienced difficulty at the time of counting in the last general elections. The returning officer pointed out the provision in the Act, one counting agent or two and not more, in spite of the fact that behind our backs, after the notification had been issued, after the elections had commenced, the Government in consultation with the Election Commission made changes in the rules with regard to counting. I am glad that under this amending Bill these rules will come up before the House and will be subject to modification by the House. Previously, the rules were made by the Government in consultation with the Election Commission and were not subject to the scrutiny of the House. In December 1951, the rules with regard to counting were changed. One box had to be opened at a time. They opened in my constituency sixty boxes at one time. There was one counting agent. Sixty boxes were placed. We were handicapped. I do not know of other constituencies; I have experience of my constituency. As I said, the rule was changed behind our back. We should not be penalised. The returning officer said, I am helpless, this is the law and I am to enforce it. We could have one agent and we did as best as we could supervise the counting of sixty boxes. Some thing went wrong the election was set aside; the counting was illegal.

Mr. Deputy-Speaker: Subsequently everything was quite right.

Shri Kamath: That took three years. However, I do not want to expatiate on that. I want to make provision in the Act itself.

Mr. Deputy-Speaker: The hon. Member should be more brief.

Shri Kamath: I should like to provide in the Act itself that a candidate shall have at least one counting agent for every ten boxes. I think that is a very reasonable amendment. I am sure my hon. colleagues on all sides, this and that, will endorse my amendment.

Then, I come to the polling booth provision, that is amendment Nos. 98 and 52. Amendment No. 52 to clause 11 seeks to provide that where two polling stations are situated in the same premises, the distance between the two should not be more than 50 yards, so that the supervision by the presiding officer—there is most likely to be one presiding officer—will be more effective and will not be slack. If they are separated by 100 yards or so, there would be no proper supervision. I say that this amendment should be accepted by the House in the interests of the proper supervision of the polling process.

Amendment No. 98 refers to the same matter. I seek to add a proviso to section 25 :

> "Provided that there shall not be less than one polling station for an area comprising not more than one thousand voters and provided further that the polling station shall not be more than three miles distant from any village included in that area."

Shri K. K. Basu: Is it not there?

Mr. Deputy-Speaker: He wants it in the Act itself.

Shri Kamath: In my constituency, I do not know how it happened, there were some villages which were about 4½ miles from the polling station. We wrote to the returning officer, but there were the rules, so it could not be enforced. So, I want it in the Act itself.

Pandit Thakur Das Bhargava: What about the hilly areas?

Shri Kamath: Anyway, this must be taken into consideration so that the franchise may be exercised by as many people as possible, by the largest number of people. I would be happy if it is reduced to even two miles, but my amendment as it is, is three miles. This amendment should be accepted.

I have got one amendment more I think.

Mr. Deputy-Speaker: Those 3½ minutes are over.

Shri Kamath: Amendment No. 51 seeks to provide that nothing in section 9 shall authorise the Election Commission to designate or nominate the same person to be the returning officer for more than one Parliamentary constituency, because it would defeat the object for which this provision is intended if the same person is appointed to look after the election in more than one Parliamentary constituency. A Parliamentary constituency is a big constituency as it is. The length of my own constituency was about 160 miles from one end to the other. I am sure other constituencies must be equally big and if one person is asked to look after two such constituencies, it will be physically impossible for him to do any really effective work at all.

To clause 10 I have given an amendment, but it is a negative amendment and it has not been included in the list. I want that clause 10 should be omitted. It has reference to section 22 of the principal Act, dealing with the duties of the Assistant Returning Officer. I would rather prefer that the present section remains as it is. The Assistant Returning Officers should not be empowered to do certain functions which he is not empowered to do under the present Act.

Mr. Deputy-Speaker: Shri Agrawal.

Shri S. S. More: I had given notice of an amendment today and now it has been typed and numbered as 211, to clause 35. It is regarding counting. Will you permit me to move that amendment by waiving notice?

Mr. Deputy-Speaker: Yes.

Shri M. L. Agrawal: There are seven amendments in my name. They relate to clauses 15, 17, 18 and 19 of the Bill. The object with which these amendments have been moved is to do away with the proposer in the nomination paper.

This Bill was proposed in order to simplify the election law, and so far as nomination papers are concerned, the recommendation of the Election Commission was to the effect that both the seconder and the proposer should be done away with. The hon. Minister has made a compromise by retaining the proposer while doing away with the seconder.

[Shri M. L. Agrawal]

I would not have got up to speak on these amendments if there were not a real danger of complications. The intention is too make the nomination paper fool-proof against being rejected on technical grounds, or grounds about which the candidate may have no knowledge. I would refer to the definition of "elector" in this Bill, at page 2:

> "(e) 'elector in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the diqualifications mentioned in section 16 of the Representation of the People Act, 1950."

This is an addition made in this Bill. This did not exist before. Therefore, if there is a proposer or seconder for a nomination paper, there are greater chances now that he may be disqualified, the proposer, may not come under the definition given here in this new Bill. And therefore the candidate may run the risk of having his nomination paper rejected, though it may otherwise be quite in order. Therefore I say there should be no insistence on the proposer. As we have done away with the seconder, the proposer may also be done away with. There is no special sanctity about the proposer.

If I undersood the hon. Minister aright on this point, his objection seems to be that so far as contested elections are concerned, it is all right. There would be so many voters who support the candidate. But when the election is going to be uncontested, there must be at least one person to support his candidature. I would submit the fact that he is the only candidate and nobody comes forward to oppose him when the electorate consists of such a large number of voters means that he has got the unanimous support of all the electors in the constituency. After all, when it is a question of giving him some supporters, does one swallow make a summer? By the addition of one single elector or proposer how can it be said that he commands the support of the whole electorate if he does not otherwise command their support by reason of his having no opponent in the field. Therefore, I would submit that from the point of view of simplicity which was the purpose of the Election Commission, from the point of view of the Government which wanted to simplify the law and from the point of view of the Select Committee which made so many simplifications and from every point of view it is desirable that this proposer should also be done away with and there should be no chance for the nomination paper to be rejected on the ground that although it has been subscribed to by a proposer as given in this Bill, the proposer is having a disqualification as mentioned in section 16 of the other Act which may not be within the knowledge of the candidate. Therefore, I think it would be safe and better if we avoid this pitfall and do away with the provision of having a nomination paper subscribed to by a proposer instead of a proposer and a seconder. We should do away with the proposer also as we have done away with the seconder.

Mr. Deputy-Speaker: Shri Deshpande. I will again make a request to the hon. Members who stand up that they should be precise and brief so that we might cover up the distance.

श्री वी० जी० देशपांडे : उपाध्यक्ष महोदय, मैं संशोधैन ६२, ६३ और ६४सदन के सम्मुख रखता हूं जीनमें से संशोधन ६२ और ६४ एक ही विषय से सम्बन्ध रखते हैं ।

सदन इस बात से परिचित होगा कि जब जन प्रतिनिधान विधान पहले बना तो उस समय डा० अम्बेडकर ने इस प्रकार की योजना की थी कि यदि कोरभी नियूक्तिपत्र—नामीनेशन—पेपर—आयोग की रीती और नियमों के विरुद्ध स्वीकार या अस्वीकार होता है अर्थात् उसका इम्प्रापर एक्सेप्टेंस (अनुचित स्वीकरण) या इम्प्रापर रिजेक्शन (अनुचित अस्वीकरण) होता है, तो उस विषय पर इलैक्शन पेटीशन (निर्वाचन याचिका) म हो । उन्होंने यह योजना की थी कि इम्प्रापर एक्सेप्टेंस या इम्प्रापर रिजेक्शन के विरुद्ध अपील करने के लिये एक अथौरिटी (प्राधिकार) का निर्माण किया जाये । परन्तु उस समय आपने सोचा कि हिन्दुस्तान में यह पहला निर्वाचन होने वाला है और अगर अब यह अथारिटी निर्माण की गई, तो उस निर्वाचन का कार्यक्रम– इलैक्शन का प्रोग्राम—लम्बा हो जायेगा । इसी कारण डा० अम्बेडकर ने अच्छा समझते हुए भी इस प्राविजन (उपबन्ध) को निकाल दिया और इसका परिणाम हमने सारे हिन्दुस्तान में देखा । पिछले चुनाव के पश्चात जितने इलैक्शन पेटीशन्ज हुए, उनमें से अधिकांश इम्प्रापर रिजेक्शन औफ नामीनेशन पेपर के विषय में थे। उसमें यह भी कहा है कि

materially affects of result of the election"

इसके बारे में ट्रिब्यूनल (न्यायाधिकारण) ने सब जगह यही सोचा कि इम्प्रापर रिजेक्शन हुआ है, तो मैटीरियली (सारभूत रूप से प्रभावित) एफेक्ट करता है और हर जगह उन्होंने कहा है कि इस कैंडीडेट (उम्मेदवार) का कोई गुनाह नहीं है, परन्तु हम कुछ नहीं कर सकते, यह कानून है और यह हो रहा है। यह उदाहरण भी मौजूद है कि रिटर्निंग आफिसर (निर्वाचन पदाधिकारी) की गलती के कारण ट्रिब्यूनल ने कॉस्ट ऑफ पेटीशन (याचिका का खर्च) भी उसी बेचारे पर लगा दिया, जो कि चुन कर आया था। उसका पाप यह था कि वह खड़ा था। कवरिंग कैन्डीडेट (स्थानापन्न पदाधिकारी) का नामीनेशन-पेपर रिजेक्ट हुआ था और जो कैंडीडेट हार गया था, वही खड़ा हुआ था। इस प्रकार की बातें होती हुए भी इस देश में इम्प्रापर एक्सप्टेंस और रिजेक्शन के कारण बहुत से पेटीशन्ज होती रहीं। इसके पश्चात् यहां एक जन प्रतिनिधान विधान यहां आया था, लेकिन उसको आप स्टिल-बार्न ही कह सकते हैं। वह सिलेक्ट कमेटी के पास गया। उसकी रिपोर्ट आ गई, लेकिन पता नहीं क्या बात हुई कि वह वैसे ही खत्म हो गया। उस बिल में इस प्रकार की प्राविजन की गई थी। जब यह दूसरा विधेयक सामने आया, तब हमारे लीगल एफेयर्स (विधि-कार्य) के मंत्री साहब ने कहा था कि डिस्क्वालिफिकेशन (अनर्हता) का विचार करने का रिटर्निंग आफिसर को अधिकार नहीं होगा, वह देखेगा की वह क्वालिफाइड (अर्ह) है या नहीं। और इसके कारण इसकी संख्या काफी कम हो जायेगी। परन्तु जब यह विधेयक प्रवर समिति के पास गया तो हमने देखा कि उन्होंने वह भी निकाल डाला और आज वही परिस्थिति है जो कि पहले विधेयक में थी और इसके कारण वही बातें फिर से होने वाली हैं। इसलिये बहुत लोगों ने कहा है कि यह सब बातें ठीक है लेकिन हमन बहुत सोचन के पश्चात डा० अम्बडकर की योजना को स्वीकार नहीं किया, क्योंकि वैसा करने से बहुत देर लग जायेगी और हो सकता है कि पार्लियामेंट का इलेक्शन बाद में हो और असेम्बली का इलेक्शन पहले हो जाये। ऐसी बातें हो सकती हैं। इस लिये मैं ने यह संशोधन रखा है। मैंने स्क्रटिनी (जांच पड़ताल) के तीसरे दिन के स्थान पर आठवां दिन रखा है और मैं चाहता हूं कि यह मामला हाई कोर्ट के जजके पास न जाये बल्कि उस जिले का जो डिस्ट्रिक्ट एंड सेशन जज हो उसके पास वह फसला चला जाये। मैंने इसी प्रकार का प्रोसीज्योर (प्रक्रिया) रखा है :

3 P.M.

Page 9, *after* line 19, *insert:*

118A. *Insertion of new section* 36A.—After section 36 of the principal Act, the following section shall be inserted, namely:—

> "36A (1) A duly nominated candidate will have the right to prefer an appeal against improper acceptance or rejection of the nomination paper with District and Sessions Judge of the District.
>
> The appeal shall be filed within one day of the decision by the Returning Officer. On the fourth day after the scrutiny the Sessions Judge will hear the appeal and give his decision on the fifth day. The aggrieved party will be required to give notice of its intention to prefer an appeal the same day on which the decision of the scrutiny is announced and the Returning Officer will notify the fact on the board and no separate notice to candidates would be necessary.
>
> (2) The appeal would be presented to the Returning Officer addressed to the District and Sessions Judge accompanied by a treasury receipt for rupees one hundred. The Returing Officer will forward the appeal to the District and Sessions Judge." '

उसकी शब्द रचना बदली जा सकती है और श्री वेंकटरामन् या दूसरे अधिकृत संशोधन करने वाले इस पर सोच सकते हैं। आठ दिन के अन्दर आपको काम करना है। अगर इस मामले को हाई कोर्ट ले जाया जायेगा तो वहां से नोटिस में बहुत समय लग जायेगा। इस कठिनाई को दूर करने के लिये मैंने यह योजना रखी है। उसी दिन रिटर्निंग आफिसर को लिख कर अपील दे दी जाये और उसके साथ १०० रुपये दे दिये जायें। उस अपील को रिटर्निंग आफिसर डिस्ट्रिक्ट जज को फारवर्ड (मेज) कर दे और उसी समय बोर्ड पर लगा दे कि इस प्रकार के कैंडीडेट ने इस प्रकार की अपील की है और इलेक्शन कमीशन (निर्वाचन आयोग) यह भी प्रबन्ध कर दे कि हर एक जिले के लिये एक एक डिस्ट्रिक्ट जज को यह भार सौंपा जाये कि वह एक नियत दिन इस प्रकार के मामलों का फैसला कर दे और जजमेंट (निर्णय) दे दे। वह समरी (सरसरी) तरीके से केस (मामले) को सुने और दूसरे दिन जजमेंट

[श्री वी० जी० देशपांडे]

दे दे । इस तरह से अगर इसमें से इम्प्रापर नामिनेशन को निकाल दिया जाये तो बहुत कम इलेक्शन पिटीशन रह जायेंगे और इससे यह भी लाभ होगा कि जिनको मतदाताओं ने चुन कर भेज दिया है उनका इलेक्शन रद्द नहीं होगा जैसा कि आज कल होता है । हम लोग मानते हैं कि इस कारण बहुत दिक्कत होती है लेकीन हम हैल्पलैस (असहाय) हैं । इसलिये मैं प्रार्थना करूंगा कि इस कठीनाई को दूर करने के लिये हमारे लीगल एफेअर्स के मंत्री महोदय इस संशोधन को स्वीकार कर ले ।

Shri K. K. Basu: I have moved an amendment to clause 9 by which I seek to add a proviso at the end of the proviso to the proposed new section 21, which reads:

> "For every constituency, for every election to fill a seat or seats in the Council of States and for every election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State, the Election Commission shall, in consultation with the Government of the State, designate or nominate a returning officer who shall be an officer of Government."

This means that the Election Commissioner must appoint a person belonging to the State services as the returning officer, possibly on the advice of or in consultation with the Government of the State. I want to add a further proviso to this that:

> 'Provided further that nothing in this section shall prevent the Election Commission from designating or nominating any person other than an officer of the State Government to be a returning officer'.

The object of this amendment is quite clear. We know fully well that the State Government officers may be appointed by the Election Commission on the advice or recommendation of the State Government concerned as returning officers. But that presupposes, and there is a large likelihood of it also, that they will be largely under the influence of the State Government. For, the person who is so appointed has only a temporary job here, namely to accept the responsibility of conducting the elections, but ultimately he has to work under the State Government; so, to some extent, he is under the influence of the State Government. I do not say that all the presiding officers who have conducted elections have not had any independence. But as far as our experience goes, we find that a large number of the State employees have not had any independence, and they were completely under the influence of the State Government.

So, I have sought to make a provision here that it would be open to the Election Commissioner in some cases, if he thinks that such a thing is necessary, to appoint a person other than a State Government employee, as the returning officer; if this is done, he will have the right to appoint such persons also.

In our own State, we know how in the constituency in which there was a big tussle between the Chief Minister of our State and another candidate, a person who had not normally worked as a returning officer in other areas was appointed as the returning officer. I do not say that he behaved in a way which is not in accordance with the rules. He might have, or he might not have. But we had a feeling as to why in this particular constituency, a special type of person was asked to take up the responsibility of conducting the elections. I know of another case where there was a bye-election in which a Minister, whom we had already defeated, was there. As a result of the election tribunal's decision, there was a bye-election. There we found that most of the Returning Officers were persons who were more or less subserviant to, or more or less under the influence of, the Government. I fully appreciate that, by and large, the Election Commission has got to take the help of the State machinery to conduct the elections. But there must be a power given to the Election Commissioner that wherein an important election, anybody has a feeling that the election will not be properly conducted if run through the State machinery, he should have the right to appoint persons other than those belonging to the State machinery. For example, in a place like Calcutta, there are Central Government employees. Their services may be utilised. But under the provisions of the proposed section 21, he is debarred from appointing any such persons. Therefore, I want a provision to be specifically put in to this effect. I know from my experience in the past that there are cases where a Chief Minister or other important Minister may be a candidate and all the contesting parties may be fighting ferociously. If democracy has to work properly, we should remove any feelings about improper conduct of elections. Each party should be sure that it will get justice. That is why, we have constituted an independent authority in the Election Commission, which is above party and is a completely independent agency. The persons who are functioning under the Election Commissioner should also not be construed to have been under the influence of a particular Government which may be under the influence of a particular party.

So far as clause 11 is concerned, I want to oppose the proviso. It says :

> "Provided further that nothing in this sub-section shall prevent the returning officer from appointing the same person to be the presiding officer for more than one polling station in the same premises."

As you know, now we have converted all the polling booths into polling stations. The difficulty arising from this may be seen in particular in urban constituencies. In one school building or one area, there may be a number of polling stations as a result of which there will be one presiding officer. Why do we change from the polling booth to polling station ? We want every polling booth to enjoy an independent status. I can speak from my own personal experience. A bye-election was held only recently which our hon. friend, Shri Mohit Kumar Maitra, fought and won and took oath the other day. In one school building, there were 8 polling booths—now they will be called polling stations. Under the existing law, you can have one presiding officer. We found that for two hours, the officer who was issuing the ballot papers was taking signatures. Complaint after complaint came. Naturally, nobody could get in. From early in the morning there was a queue three fourth of a mile long waiting to cast their votes; the polling there was very heavy. But it took us two hours to go and approach the presiding officer, who agreed that it was all completely wrong to put their signatures in the ballot papers or make other marks.

Naturally, under present conditions, people feel that if they put their signatures or some other mark, they may be questioned later on why they voted for a particular candidate. That is why we want completely fair and free elections. Threfore, I feel that if we can get so many officers, we can get certainly a few hundreds or thousands more. So this provision of one presiding officer for so many polling stations should not be accepted. There should be one presiding officer for one polling station, as has been the case before.

Then I have moved some other amendments which are very simple. They relate to the dates. Under the proposed provision, I find that after the 20th day from the last date of withdrawal, election is going to be held. With due respect to my hon. colleagues, I do not know how the Select Committee could make such a provision. Let us accept the realities of our country. For example, in my constituency, there are places to go to which one has to go either by boat or on foot 8 miles. To walk the distance may take two hours. If one goes by boat, it being a tidal area, the time taken may be full 12 hours. We know that no parliamentary candidate can go and meet everybody. What we do is that we go to the market places or important villages and address congregations of people. We have bad roads and bad communications. We cannot reach every nook and corner of the constituency. I do not know why the Select Committee has put in this provision. It is impossible in practice.

Shri S. S. More : It is not earlier than the 20th day.

Shri K. K. Basu : It might be the 40th day.

Then as regards the last date for making nominations, instead of the 10th day, it should be the 15th day.

In the case of the Assembly constituencies, I think it is not earlier than the 7th day. Here it is on the 10th day. It is humanly impossible to conduct elections under such conditions. Therefore, I would request the House to accept the amendments I have moved extending the dates.

As regards deposits, I have moved an amendment. I feel—and many Members of the House also feel—that there is no point in having this deposit system any more in our elections. I do not know what special benefit we derive from it. Sometimes it is said that people unnecessarily, on frivolous grounds, contest elections, and those who want to fight elections can easily spend Rs. 500 (Rs. 250 in the case of Scheduled Castes) by way of deposit. In my part of the country, I know a businessman who advertises and contests all the elections, even facing im-

[Shri K. K. Basu]

portant leaders like the late Sarat Chandra Bose. He takes delight in spending money and advertising and contesting every election, because he is a businessman. He has been doing this for the last 20 years. He has fought the elections to the Municipal bodies and legislatures. He has fought bye-elections also. Therefore, you cannot prevent that.

In our country, we have to keep in view the fact that people are poor. In the case of the Scheduled Castes, the amount has been reduced. But I would like to know what earthly reason there is for keeping this system of deposit at all. The poverty of our country is appalling. We want people who are of the common stock to come to the legislatures and serve the country. Therfore, I would agree that we should do away with the deposit system for the time being. If that cannot be done, it should at least be reduced. I would ask the House to accept the amendment I have moved in that respect.

Shri S. S. More: Sir, I beg to move:

Page 14—

for clause 35, *substitute*:

'35. *Substitution of new section for section* 64.—For section 64 of the principal Act, the following shall be substituted, namely:—

> "64. (1) The Presiding officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidate or their election or polling or counting agents who may be present, open the ballot boxes and count the votes with the aid of the staff provided and after preparing a statement of votes secured by each candidate and the invalid votes, tie the votes in bundles with appropriate labels and put the ballot papers together with tendered and challenged votes in a box or boxes, seal the same and send them with other statements as prescribed by rules in this respect and he shall then as soon as may be deliver the boxes and all such packets and all other papers used at the poll or cause them to be delivered to the Returning Officer at such place as the Returning Officer may direct subject to any general or special instructions issued in that behalf by the Election Commission.
>
> (2) On the day fixed for final counting and declaration of results, the Returning Officer shall add together the number of votes secured by each candidate as shown in the statements prepared by the Presiding Officers."'

My object in moving this particular amendment is to find out some remedy for the purpose of assuaging the feelings of apprehension of many people regarding tampering of boxes when they are lying with certain authorities after the date of polling and before the actual counting begins.

One might say that this amendment owes its origin to a feeling of distrust. It may be said so. But, unfortunately, some time after the last general elections many Members had to complain that the officers concerned in some parts of the country—I do not say in a sweeping manner, but in some parts of the country at least—were animated with a desire to help either this candidate or that candidate and during a certain period during which the boxes were in their custody, some of the boxes were opened and votes were transferrd from one box to another. (*Interruption*). I am speaking from my own experience. I cannot rely upon the experience of Pandit Sharma.

Pandit K. C. Sharma (Meerut Distt.—South): Have any definite case been made out?

Mr. Deputy-Speaker: The hon. Member should be allowed to proceed.

Shri S. S. More: My submission is, right or wrong, founded or unfounded, these apprehensions are there. Our political parties have not yet reached a stage when they can conduct the elections with the fairness with which Parliamentary elections are run in England or in any other western country. So, what can we do to remove such fears? Take, for instance, Canada. I am not referring to the United Kingdom because, there, the votes are counted immediately. But, if you go to Canada—it is a vast country—you will find there a specific provision in the Canadian Dominion Election Act of 1938—section 50—which says that immediately the polling is over, the persons in charge of the polling stations are permitted to count votes with the result that final declarations come as soon as possible.

I will quote my own instance. The last polling day as far as my constituency was concerned, was the 11th January. Then the boxes had to come. All these boxes came to the central place, that is, Sholapur. The counting commenced on the 15th and for a huge double member constituency like that the counting had to be carried on for a week and the results were declared on the 22nd January. More than 150 clerks were employed. I had only one or two counting agents. I could not supervise the counting all over. Fortunately for me, no unfair deal was made with the result that I came here. But there were many constituencies where the people complained that the officers were not fair. I am referring to some election cases where certain allegations were made. In a case before the Tribunal appointed in Poona, filed by one Datar, a definite allegation was made that his boxes were tampered with and that the boxes were such that they could be opened without tampering with the seals and certain demonstrations were also made as to how the boxes could be opened.

The Minister of Industries (Shri Kanungo): What was the finding of the Tribuanl ?

Shri S. S. More: I would tell the hon. Minister that the finding of the Tribunal was against the petition. But, there are many things including corruption which are beyond proof. So, because, they were not accepted by the court, we cannot come to the definite conclusion that there was no tampering. It could not be proved judicially. Therefore, my submission is, why not follow the practice followed in other western countries.

Some of my friends on this side with whom I had some discussion, expressed the fear that we cannot have polling or counting agents at every polling station and if we entrust the matter to the presiding officer we run the same risk.

My submission is this. Even if a candidate is rich enough, it will be difficulty for him to approach 750 presiding officers—I had 750 polling stations—and secure his sinister object. But, it is easier to approach one Returning Officer and some few individuals who will be actually in charge of the boxes. When you make the number of persons in charge of these things as large as possible, the possibility of corrupting the whole lot becomes very thin or lean. That is why I say that if this amendment is accepted it will facilitate the early declaration of the result and it will also remove some of the fears that are entertained for good or for bad reasons. Besides this, the cost of counting would be reduced, because all these officers are already being paid some allowances if they are paid some more allowances they will complete the work. Asking so many clerks to come together and arrange the whole counting at one place is a costly affair. This is a suggestion which I want to make. I do not want to take more time of the House. (*Interruption*).

Pandit K. C. Sharma: Sir, I have amendments No. 182 and No. 184 which is the same as No. 117 moved by Shri Krishna Chandra.

Mr. Deputy-Speaker: Which are the clauses ?

Pandit K. C. Sharma: Clauses 18 and 19. There is also another amendment No. 187 which is with regard to section 62 of the original Act.

With regard to the second, I beg to submit that I do not like to make the candidature so cheap so that a man from Allahabad runs to Meerut and files the nomination and then waits for some rich men to pay him something, say Rs. 10,000. I have an experience of this practice. A big man runs from Kanpur ran up to Meerut and filed his nomination. He was a big businessman. (*Interruption*). When I asked the man from Kanpur why he did so.....

Mr. Deputy-Speaker: The hon. Member should not retaliate.

Pandit K. C. Sharma: They file nomination papers; neither the proposer nor the seconder was a known person. Somebody got down from the train and went to the office and filed the nomination. In another case a man from Allahabad filed a nomination paper. Neither the proposer nor the seconder was of the genuine type. I inquired what was the motive behind it. The first was just with the idea of getting himself elected if somebody else's nomination paper was somehow or other rejected. The other man said that he was on the lookout for a rich man who would pay him, say, Rs. 10,000, so that he could withdraw. I submit that this kind of thing should not be possible. I say that it should be impossible for any man and everyman, without any reputation, without any public service or without

[Pandit K. C. Sharma]

any party support to stand for election to the Legislature or to Parliament. It is not a joke; it is a very serious purpose.

Shri B. S. Murthy: Supposing the man takes it as a joke.

Pandit K. C. Sharma: He is not a man fit to be nominated.

Therefore, I emphasise that the proposer and the seconder are necessary for filing the nomination.

Shri S. S. More: If all the three persons plot?

Pandit K. C. Sharma: My amendment is to section 62 of the original Act. Section 62 reads.....

Mr. Deputy-Speaker: What is the number of the amendment?

Pandit K. C. Sharma: It is 187.

Mr. Deputy-Speaker: The difficulty is that the hon. Member has not given notice of his intention to move any amendment when he was called upon to do so.

Pandit K. C. Sharma: I sent in my amendment. In the beginning I was told by the Speaker that every amendment of which notice has been given would be considered.

Mr. Deputy-Speaker: The Speaker announced that the hon. Members should notify the number of the amendment which they wanted to move here. All other hon. Members have notified their intention.

Pandit K. C. Sharma: I stood up 10 times but I could not open my mouth when another Member was speaking. I thought it was rather indecent to say anything when another was speaking.

S. S. More: You have to give the notice to the Secretary.

Mr. Deputy-Speaker: The hon. Member may continue his speech.

Pandit K. C. Sharma: I give notice now.

In sub-section (1) of section 62 of the principal Act, for the words "shall be entitled to vote in that constituency" the words "shall vote in that constituency and failure to vote will render the person liable to fine of rupees fifty". I know that the proposal of compulsory voting has been debated and the hon. Minister and many hon. Members have been against it. I know the seriousness of their objection. Despite that, I think it is necessary that for a good government to be formed, this sort of proposal must be there. My reasons are these.

One of the very uneasy phenomena in this country has been that there has arisen what is called a gentleman class of criminals defying or disobeying law. There are a lot of such people defying law, and this is a danger to democracy. A man can go in the city as a gentleman and at the same time take it into his head to defy the law, whatever be the nature of the law. Therefore, the only way to bring in a moral consciousness that he is bound to obey the law is to make him participate in making the law itself. How can you make him participate in this? He cannot come into the Parliament or the Legislature to make a law. Every citizen cannot, but every citizen can have a share in making the law by casting his vote. He makes the law through participating in the elections, and by casting his vote at the polling booth. Therefore, it would be more or less a pressure on the general public or the people that they are bound to obey the law, and unless the people learn to obey the law, there is not much hope for democracy. This is one reason.

Shri D. C. Sharma (Hoshiarpur): What is the hon. Member aiming at? I cannot understand.

Pandit K. C. Sharma: He will understand if he just scratches his head. (*Interruption*).

The last election was the first election and there was of course very good leadership. Much interest was aroused and many hopes were raised and it was a stirring situation. Even in that stirring situation, the voting was only 51 per cent. It may be taken for granted that the best election would not go above 50 per cent. voting strength. The normal feature is that there would be four contestants and the voting would be 14, 12, 12, 12 per cent.; that means, with 14 per cent. of the votes, the entir House can come into existence. The whole of the Parliament can get 14 per cent. votes and get itself lawfully constituted. Out of this 14 per cent. half or 7 per cent. can make the government. What is this democracy which is based on the voting strength of 7 per cent.? It is a huge joke; it is a fun to say that there is a government of the people. Where are the people? Seven per cent. of the voting strength makes the government Therefore, I beg to submit that more people should be made to vote and participate in the elections.

Ther is another very important point. Either you have to create what are called political capacities or else democracy itself will ruin the people. You cannot create political capacities overnight and there is no hope....

Mr. Deputy-Speaker: I should warn the hon. Member that he has begun to enunciate basic principles. It is only the amendments that we are discussing now.

Pandit K. C. Sharma: It is better that the Legislature has popular support and thereby makes the people feel that it is their own government and they have to stand by it and see that sufficient progress is made.

I beg to move:

(i) Page 9—

lines 20 and 21—

omit 'the word *"seconder"* and'

(ii) Page 14—

after line 29, *insert*:

'34A. *Amendment of Section* 62.—In sub-section (1) of Section 62 of the principal Act, for the words "shall be entitled to vote in that constituency" the words "shall vote in that constituency and failure to vote will render the person liable to fine of rupees fifty" shall be substituted.'

Mr. Deputy-Speaker: These amendments are also before the House.

Shri K. L. More (Kolhapur *cum* Satara—Reserved—Sch. Castes): My amendments given notice of jointly with Shri Rane are Nos. 9, 22 and 23.

Amendment No. 3 reads:

Page 5—

after line 25 *insert*:

"10 A. *Amendment of section* 25.—In section 25 of the Principal Act, *after* the words "polling areas", the words "or groups of voters" shall be *inserted*".

This is new clause 10A.

Pandit Thakur Das Bhargava: All these amendments are being moved and hon. Members are speaking on them, but the hon. Minister is not here, and at the same time I find that nobody is taking notes. What reply will the hon. Minister make? On a previous occasion I had moved an amendment and I also spoke on it, but no reply was made to that amendment. We feel that this legislation is not being carried on properly and seriously.

Mr. Deputy-Speaker: I agree with the hon. Member. It is very regrettable that no Minister should be here when such an important measure is under discussion. I will ask the Whips or other persons interested to inform the Minister so that he can come back and remain here. At least he should have a deputy to remain here, to deputise for him.

An Hon. Member: But there is no Deputy Minister under him.

The Deputy Minister of Railways and Transport (Shri Alagesan): I have been taking notes; I have taken notes of the speech just made by the hon. Member.

Pandit Thakur Das Bhargava: What is the use of the Railway Minister taking notes? He does not know the subject at all; he was not a member of the Select Committee. It is quite true that legally he can say that he is taking notes.......

Mr. Deputy-Speaker: I have made that observation and I think the hon. Member will be satisfied that it will be conveyed to the hon. Minister.

The hon. Member, Shri More, might now continue his speech.

Shri K. L. More: I would say that the existing provision in section 25 which requires polling stations to be provided for polling areas, causes difficulties in practice as it militates against a group of voters being allotted to particular polling stations. That is why I have moved amendment No. 9.

With regard to amendment No. 22, it is a simple amendment and requires no explanation. Let me read out that amendment:

Page 13, line 38, *for* "is" *substitute* "has". This amendment is very simple and requires no explanation. I shall just read out my amendment No. 23. It says:

"Page 14—

[Shri K. L. More]

for clause 34 *substitute*:

'34. *Substitution of new section for section* 58.—For section 58 of the principal Act, the following section shall be substituted..... (*Interruptions.*)

Mr. Deputy-Speaker: What is the objection? Is there any objection? I did not hear.

Thakur Jugal Kishore Sinha (Muzaffarpur—North-West): There is no quorum.

Mr. Deputy-Speaker: The Bell is rung—Now, there is quorum. Now that the Minister has come, I may make the same observations again. There ought to be some Minister at least listening to the points that are being made by the hon. Members. It is a very important measure. I do realise that the hon. Minister may have to go out for some important work. He may require to be away perhaps for a few minutes. But, if he gives some intimation to the Table or to me I may be prepared to defend him. I may at least know who is there deputising for him.

Shri K. L. More: I was reading my amendment No. 23 to clause 34. It reads:

> ".......namely:
>
> 58. *Fresh poll in the case of destruction, etc. of ballot boxes.* (1) If at any election any ballot box used at the polling station or at a place fixed for the....."

Mr. Deputy-Speaker: These amendments have been circulated. He need not read them. He may make his point.

Shri K. L. More: I wish to say a few words on this amendment. Under the existing section 58, if any ballot box is unlawfully taken out of the custody of the presiding officer or the returning officers or is tampered with, or is lost or dsetroyed, the election at the polling station at which the ballot boxes were tampered with etc. used to become void. Thus the counting of votes is unnecessarily delayed. To obviate this difficulty, it is considered necessary to amend section 58 of the Act so as to enable the returning officer to complete counting of the ballot boxes from all the polling stations except those in respect of which such irregularities have been noticed.

Shri Dabhi: My amendment No. 10 is similar to Amendment No. 1 moved by Shri Bhakt Darshan. It relates to clause 13. Under the existing Act, section 33, the interval between the last date for the withdrawal of the candidature and the taking of poll is thirty days. It is proposed now to reduce that period to twenty days. By my amendment I want that the original period of thirty days should be retained.

We know that parliamentary constituencies, particularly double member rural constituencies, are far-flung areas. It is very difficult for the candidate to visit all these areas within this period. I would give you only one instance. We want every candidate to visit every village of his constituency. Will it be possible to contact the electors? There is a constituency in Gujarat—a double member constituency which consists of Panch Mahals district, some taluks of Baroda District and some Taluks of Amreli district. It is spread over 200 miles. Now, the area of the district which is part of the constituency is 3499 square miles—all in one constituency. With the addition of the taluks of the other districts, the whole area of one constituency comes to 4200 square miles. It is impossible for any candidate to visit half of the villages. How can he have contact with the electors? Therefore, I appeal to the hon. Minister that he may accept my amendment. Otherwise, many candidates would be hard put to contact the electors.

I oppose the amendment moved by Shri Agrawal and supported by some hon. Members. They want to remove the proposer. I have already given some arguments as to why the proposer should not be dropped. Once again, I ask this question. Have any difficulties arisen? Where have the difficulties arisen? A man wants to stand up for election and wants to be a member of the assembly. Could he not find out one person in his constituency who is above suspicion and whom, he knows to have no disqualification. Then, again there was the proposal about the appointment of some attorney or agent. Why all these things? Where is the difficulty? I cannot understand. We have done away with the seconder but under no circumstances should we do away with the proposer.

Shri Mathew (Kottayam): I want to support one amendment and speak against another amendment. I wish to support the amendment which says that in the nomination paper we need not insist on the proposer as distinct from the candidate. The candidate himself is the proposer in that case. The hon. Member who preceded me used some argument which I could not follow clearly. He asked whether a candidate could not find out a proposer. That is not the relevant question. It may be easy for him to find out ten persons. But what is the imperative reason for insisting on that? Our rules should be reduced to the utmost simplicity, without infringing on the real needs of the situation. Why did we do away with the seconder? And the same reason, I would say, would apply to the proposer also. If we can dispense with the seconder, I do not see any serious objection to dispensing with the proposer too. The candidate himself is the proposer in that case.

An Hon. Member: If the candidate is absent?

Shri Mathew: That is a different thing. It is insisted here that the candidate and the proposer should give their signature. If the candidate is ill, that is something which can easily be provided for. My contention is that somebody should propose, but the proposer may be the candidate himself or somebody—else. If I am a candidate, I can propose myself or I can get my friend to propose me. There need not be compulsorily two people, the candidate and the proposer. That is my contention and the line of my reasoning is that nothing is lost by deleting this condition. We are not safeguarding any thing precious by insisting on that. And I am further fortified by the fact that the Election Commission are of the same opinion.

The amendment which I want to speak against is the one which says that there should be some kind of compulsion, forcing all citizens in India to go and register their votes. I very much wish that they do so, but compulsion is out of question and it is unnecessary too. There should be the right kind of education of the electorate. I am glad to say in this connection, in one of the constituencies in Travancore-Cochin we had the highest rate of polling in all India over 81 per cent., and, if I may add, that was in the Kottayam constituency where I was standing as a candidate and of course the successful candidate. Therefore, the right kind of the approach to the electorate and the rousing of the right kind of political consciousness would be enough. There need not be and should not be any compulsion. That is all my submission.

Shri Krishna Chandra: Sir, my amendments are: amendment No. 154 to clause 15, No. 116 to clause 17, numbers 117, 119, 121, 123 and 124 to clause 18. They are all in connection with the nomination papers and they seek to dispense with the proposer as suggested by Shri M. L. Agrawal. As my friend Shri M. L. Agrawal has already spoken about that, I will not speak on these amendments.

Then there is my amendment No. 128 to clause 26 regarding the appointment of polling agents. Now, I admit that the procedure has been made simpler by the Select Committee. But I wish that it should be made more simple and my amendment is to the effect that a person who produces a letter of authority signed by the candidate shall be allowed to work as a polling agent by the Presiding Officer. The mere fact of production of a letter of authority by the candidate should be enough for his being allowed to work as a polling agent. That is my contention.

I have also given an amendment to clause 19 which is No. 158 and that is in connection with the withdrawal of the candidature. In connection with the withdrawal of candidature, the provisions are that either the candidate, or the election agent, or the proposer—these three persons—are authorised to file the letter of withdrawal of the candidature. My amendment proposes that any person who has been duly authorised in writing by the candidate for the purpose should be able to file the letter of withdrawal and that should be accepted.

Shri N. B. Chowdhury: (Ghatal): Sir, I shall confine myself to amendment No. 122 standing in the name of Shri K. K. Basu and myself. By this we only seek to a proviso to sub-clause (c) under sub-section (2) of section 36 which is dealt with in clause 18 of this Bill. Sub-clause (c) reads:

> "that the signature of the candidate or the proposer on the nomination paper is not genuine."

[Shri N. B. Chowdhury]

This is one of the grounds on which a nomination paper can be challenged. This clause deals with scrutiny of nomination papers. We want to add after this sub-clause (c):

> "Provided that when the candidate is in jail, the genuineness or absence of candidate's signature should not be challenged."

This is very necessary. For instance, our colleague Shri T. K. Chaudhuri is now in Goa jail. We know that this was because he participated in the struggle for political liberation of India. He courted imprisonment there only for that. These are circumstances beyond the control of one individual. It may be that in the course of discharging our obligations......

Mr. Deputy-Speaker: Can not his signature be attested by the Superintendent of the Jail?

Shri N. B. Chowdhury: It may be difficult, as in the case of Shri T. K. Chaudhuri that I have just mentioned, to have that sort of confirmation. It may be possible somehow to secure the signature of an individual, but if it is challenged when the nomination paper is being scrutinised in the office of the SDO or Magistrate, by the opponent or some other person, then it would be very difficult to prove that the signature is genuine. Therefore, in that case it is necessary that if somebody makes an affidavit to the effect that it is a genuine signature, that affidavit should be accepted. In the past also we know that elections took place when the candidates were living abroad. We know the case of Sarat Chandra Bose who was in Switzerland when the elections took place in Calcutta. If somebody had challenged his nomination paper, then it would have not been possible for him to be physically present and confirm it by signing again. Therefore, to provide against such difficulties it is very necessary that persons who are in jail should have that facility and in their cases we should not insist upon the genuineness of signatures.

Pandit Thakur Das Bhargava: With your permission, Sir, I want to make a few observations on some of the amendments moved by my friends.

Mr. Deputy-Speaker: But within a very short time.

Pandit Thakur Das Bhargava: In regard to what fell from Shri Kamath on his own amendment, I want to submit that so far as the preamble of this Act goes, that is a sufficient reply to his argument that there is no specific rule by which this shall apply. I also wish to bring to his attention section 100 which says that non-compliance with these rules, if it materially affects the result would be a sufficient ground for setting aside the election. So, he need not have a specific rule saying that these rules shall apply. It is unnecessary.

As regards the word 'general' in section 36, the arguments made were not germane, because if he looks to the later and former sections he will find that some of the duties are very specific. When specific duties are specified it is usual to say also that the general duty will be there. There are not special rules in regard to each and every act or thing that a Returning Officer has to do. Therefore, the word "general" must be there. If it is really read in the context it will be seen that the word "general" should be there. My friend has only torn one sentence from the context and made some observations about that.

So far as the question of nomination is concerned, I remember when Dr. Ambedkar brought his Bill in this House, it was I who raised and put in an amendment that the nominations should be finalised before a person is allowed to proceed to election. At that time, it is quite true as stated by Shri V. G. Deshpande, Dr. Ambedkar said: Now we are having general elections very soon. We cannot provide for such a contingency now. In the future Act we shall see that nomination papers will be finalised before the party proceeds to elections. In the Bill of 1953 we made certain amendments which went perhaps to the other extreme. We said that no person shall be allowed to go to election unless his nominations were finalised. We provided only one contingency, and that is, if a High Court certified that it was a first case to go to the Election Tribunal; otherwise in no case could any election petition be made on the basis of wrong acceptance of nomination papers. We went so far as that. We provided, as a matter of fact, that all nominations may be finalised before that date. We knew what happened in PEPSU and other places where on very flimsy grounds the nomination papers were rejected. Now, in this Bill we have adopted another policy. The Minister of Legal Affairs was also of the opinion that we are

4 P.M.

making the law simpler, and as there will be no occasion for the rejection of the nomination papers on flimsy grounds and wrong acceptances and all that, we made this provision. On mere technical grounds, the nomination paper cannot now be rejected. At the same time, the seconder has been taken away. Other amendments have been made. There are not now great chances where through wrong acceptance of nomination the persons will not be allowed to proceed with the election.

Shri Raghavachari: The officer is also asked to see that these technical objections are not there and are rectified.

Pandit Thakur Das Bhargava: There is a specific rule saying that on the basis of a technical flaw no paper will be rejected. This provision has to be made there. What we provided perviously in the enactment was that a district judge should be appointed and he had to go through the whole procedure. After all, for the compliance of matters of procedure, so much time is taken up. A person has got a valid complaint, and so all evidence has to be taken. But the general complaint in such a procedure shall always be that all evidence has not been taken in regard to the disputed qualification or disqualifications. There is such a prolonged procedure regarding the very basis of the election. When a person comes and says, "I am the proper person," and if he is not allowed proper time or the elector is not allowed proper time it will not command the satisfaction of the public. If sufficient time was given, then the matter will be much delayed. It would be difficult to proceed with the elections simultaneously all over the country. Therefore, my humble submission is that we accept the principle that accounts should tentatively be finalised. Otherwise, it would mean that the election will not take place as soon as desired. We shall have to collect the evidence and allow some time for appeal. Full evidence may be taken. The cases may be very, very complicated, and the question of disqualification, etc., will arise and those questions will all be very, very complicated. They may require a good amount of evidence if we allow that to be done. Then, I do not know where we would stand. Therefore, the Selection Committee accepted the position that so far as the nomination is concerned, this is the rule that we have to adopt.

I do not want to proceed with the other arguments but with regard to one point, I shall say a few words, and I crave the indulgence of the House in that regard. It is the question of compulsory voting. Yesterday, Shri S. S. More was deeply concerned about it and today also an hon. friend of mine has moved an amendment. Shri More himself quoted from some book which said that in an educated country, we can insist on this compulsory voting. In countries where education is very extensive, where 99 per cent. of the people are educated, I can understand a compulsory voting. But here in India, if we make it a rule that every person should be compelled to vote, then he will feel that he is being forced to do something which he does not like. The apathy of the candidate or the incapacity of the party to go to the people and persuade them to go to the polls are now sought to be circumvented by some people who now want to have recourse to this provision of compulsory voting in our country. This would be regarded as a very wrong thing and I very strongly oppose it. This is not the time to have this provision for compulsory voting. When people have become more educated and political-minded, an occasion may arise when we can have recourse to the provision which is suggested. But today we are not fit to have this provision for compulsory voting.

श्री भक्त दर्शन : उपाध्यक्ष महोदय, मैंने इस विधेयक की धारा १३ में जो संशोधन संख्या १ की सूचना दी है, उसके सम्बन्ध में मैं यह निवेदन करना चाहता हूं कि पहले अधिनियम में यह व्यवस्था की गई थी कि उम्मीदवारों के नाम वापिस लेने की अन्तिम तिथि से कम से कम तीन दिन के बाद मतदान हो सकेगा । मैं यह बात समझ नहीं पाया हूं कि प्रवर समिति ने इस सुझाव को क्यों स्वीकार किया है कि इस अवधि को तीस दिन के बजाय बीस दिन कर दिया जाये माननीय सदस्य श्री के० के० बसु और श्री डाभी ने मेरे संशोधन का समर्थन किया है और मैं समझता हूं कि इस सदन के सब सदस्य इस बात पर सहमत होंगे कि इस अवधि में लोक सभा के निर्वाचन क्षेत्रों में और खास कर डबल-मेम्बर कांस्टीटयुएन्सीज (दो सदस्यों वाले निर्वाचन

[श्री भक्त दर्शन]

क्षेत्रों) में यह असम्भव है कि उम्मीदवार लोग कम से कम पोलिंग स्टेशन्स (मतदान स्थान) पर जाकर जनता को दर्शन भी दे सकें, लोगों को अपनी शक्ल भी दिखा सकें। मैं जानता हूं कि यह कठिनाई तीस दिन में भी अधिक सीमा तक दूर नहीं हो सकेगी, परन्तु पहली व्यवस्था को बदल कर इस अवधि को कम करना तो बहुत ही अनावश्यक है और बहुत ही हानिकारक है।

मुझे यह देखकर बड़ा ताज्जुब हुआ कि मेरे मित्र श्री कामत ने पहले एक संशोधन की सूचना दी थी कि इस अवधि को बीस दिन के बजाय चौबीस दिन कर दिया जाय, परन्तु बाद में उन्होंने दूसरी सूचना दी कि इस अवधि को सोलह दिन कर दिया जाय। मैं समझता हूं कि हमारे मित्र श्री कामत का अपने निर्वाचिन क्षेत्र में इतना प्रभाव है कि उनका नाम जनतामें पहुंचने से ही वह निर्वाचित हो सकते हैं लेकिन अन्य साधारण उम्मीदवारों के बारे में यह नही कहा जा सकता है।

श्री कामत : आप की मेहरबानी है।

श्री भक्त दर्शन : अत: विधि मंत्री जी से मेरा यह निवेदन है कि यहां पर किसी सिद्धान्त का प्रश्न नहीं है—यहां तो व्यावहारिक कठिनाई का प्रश्न है और इसी दृष्टि से वे इस पर विचार करें। जहां तक मैं सदन की भावना को समझा हूं, वह यह है कि पहली व्यवस्था में परिवर्तन नहीं किया जाना चाहिये और तीस दिन की अवधि को कम नहीं करना चाहिये। मेरे मित्र श्री के० के० बसु ने चालीस दिन की अवधि रखने की मांग की है। मेरा मत यह है कि मैदानों में तीस दिन में काम चल सकता है और इलैक्शन कमीशन (चुनाव आयोग) को सुझाव दिया जा सकता है कि पहाड़ी, रेगस्तानी और जंगली क्षेत्रों में डेढ़ व दो महीने तक की सुविधा दी जाय। परन्तु इस अवधि को किसी भी अवस्था में घटाना तो नहीं चाहिये।

Shri N. Rachiah (Mysore—Reserved—Sch. Castes) : With regard to compulsory voting, I have got a strong objection. In a country like ours where the voters are generally and I think mostly illiterate, no compulsion should be introduced for a voter to come to the polling booth and vote. Compulsion always is followed by some penalty, and so to escape from penalty and go to the poll and vote for a particular candidate is not desirable. A voter must always be an educated voter in which case he could realise his responsibility and go to the poll and exercise his vote. So long as the voter is illiterate this compulsion will have its own objection from the electorate.

Now, the seconder has been abolished in this Bill. So, so long as there is no seconder, there need not be a proposer also. With reference to the certificates to be given the Scheduled Caste candidates, according to the previous legislation, the District Magistrate should certify to the effect that a particular candidate does belong to a particular caste given in the list of Scheduled Castes. Now, according to the simplified election law as suggested in this Bill, that declaration is not necessarily to be certified by the District Magistrate. Paragraph 2 of clause 15, it is stated as follows:

> "In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a Scheduled Caste or, as the case may be, a Scheduled Tribe of the State".

That means there is no provision for the third party, that is, a District Magistrate, for certifying that a particular candidate belongs to the Schedule Castes. Similarly, a proposer also need not be there to certify the candidate's name. If there is a declaration by the particular candidate who intends to stand as a candidate for the election, I think that may be valid for the returning officer to accept it and accept the nomination paper.

So long as there is no seconder, even the proposer may be abolished. A candidate, with a declaration, should be allowed to file his nomination and it may be accepted as valid by the returning officer.

Shri Tek Chand: I wish to endorse the words that have fallen from the lips of my hon. friend Shri Bhakt Darshan and others. 30 days have been considered hardly sufficient period for electioneering. 20 days are also much too little, particularly in the case of constituencies which are farflung and where the extremes are farflung and where the modes of communication are not good at all. Like Shri Bhakt Dar-

shan, I happen to belong to a constituency which is partly in the plains and partly on the hills, and I have found that difficulties of access prevent the approach to the electorate who can nurture a just grievance against a candidate who cannot even show his face to the electorate and yet seeks to win the poll. I feel that if 30 days cannot be extended, at least 30 days ought not to be reduced, because this is the period when electioneering really warms up. The candidates in particular, till they are nominated and till they pass the scrutiny stage, are not very serious nor are the parties so far as electioneering is concerned. So far as the candidate himself is concerned, he is not yet sure whether his nomination paper is going to be admitted and objections are not going to be entertained. That being so, 30 days ought to be retained. After all, these six or seven days once in five years mean a lot to the candidates and their workers, but from the point of view of administrative convenience, they may not be very much. Therefore Government ought not to grudge this extra six or seven days for the purpose of electioneering. I feel that in this matter the period ought not to be reduced and I do implore the hon. Minister that he should kindly appreciate the inconvenience that has been indicated.

Shri B. S. Murthy : I agree with Mr. Tek Chand. In a double-member constituency, at least 30 days must be there so that each village and each hamlet may be covered.

The other point I want to submit is that a compulsory element should be introduced as far as voting is concerned, because in many places, if the rich people find that the candidates they want do not get the votes of the poor people, they prevent the poor people from going to the booths. It has happened recently in Andhra. Therefore, in order to see that every voter goes to the polling booth and not prevented by any interested party, there must be some compulsory element introduced in this, so that the poor people who are always afraid of the richer section in the village will not be prevented from exercising their votes.

Shri Pataskar : The points that have been raised now are points which were agitated at the time of the general discussion. Before I deal with them, I will refer to amendments Nos. 9, 22 and 23.

Amendment No. 22 is only for correcting a printing mistake. Amendment No. 9 says :

Page 5—

after line 25, *insert* :

"10A. *Amendment of section* 25.—In section of the Principal Act, *after* the words 'polling areas' the words 'or groups of voters' shall be *inserted.*"

The existing section 25 which requires polling stations to be provided for polling areas causes some difficulties in practice, because it militates against the group of female voters. In many towns, they prescribed different polling stations for ladies and men. So, I am inclined to accept the amendment which says,

> "after the words "polling areas" the words "or groups of voters" shall be *inserted.*

As hon. Members are aware, in the same town at times for facilitating the election, they have one booth for ladies and another for men.

Shri K. K. Basu : Is there such a thing at present ? We demanded it, but we were refused.

Shri Pataskar : In some rural areas in some places it is there. So, that is the purpose for which amendment No. 9 is moved and I am prepared to accept it.

Amendment No. 23 reads as follows:

Page 14—

for clause 34 *substitute* :

"34. *Substitution of new section* 58.—For section 58 of the principal Act, the following shall be substituted, namely,

58. *Fresh poll in the case of destruction, etc. of ballot boxes.*—(1) If at any election, any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall......

[Shri Pataskar]

These things may happen because we have got such large constituencies. If one of these happen, it becomes necessary to do the following things :

"(a) declare the polling at that polling station or place to be void;

(b) report the matter forthwith to the Election Commission and to the appropriate authority ;

(c) with the previous approval of the Election Commission, appoint a day, and fix the hours for taking a fresh poll at the polling station or place; and . . ."

Mr. Deputy-Speaker : When a ballot box is destroyed, or when some mischief is done, then the report is made to the Election Commission and the Election Commission orders a fresh election. Is it not so ?

Shri Pataskar : The returning officer will do it ; but he will do it with the permission of the Commission.

Pandit Thakur Das Bhargava : In some cases, the rules were relaxed and when the returning officer found that the box was not properly sealed or broken etc., he himself on his own just ordered that polling would take place afresh in that particular constituency. It has happened in my constituency in Gurgaon district.

Shri Pataskar : In some cases, it was found that even the counting was delayed. So, what has been sought to be introduced by these amendments is only a matter of convenience. So, I am inclined to accept amendments Nos. 9, 22 and 23.

The hon. lady Member, Shrimati Khongmen, had raised a point. It is no doubt true that section 5(b) of the principal Act says :

"in the case of a seat reserved for an autonomous district of Assam other than a seat the constituency for which comprises the cantonment and municipality of Shillong he is a member of a Scheduled Tribe of that district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district."

Exactly it follows the wording of article 332(6) of the Constitution. So long as that provision remains there, I do not think it will be within the power of this House to make any alteration.

Mr. Deputy-Speaker : She has asked the Government to get the Constitution amended. That has to be done first.

Shri Pataskar : In that case, the matter will have to be taken up at a different level and in a different manner. If you like, it may be considered after consulting the Government of Assam.

Shrimati Khongmen : Can the hon. Minister give me an assurance that he will bring the necessary amendment to the Constitution ?

Mr. Deputy-Speaker : He has to see in that direction, but he cannot give the assurance that he will get the Constitution amended, so far as I can make out.

Shri Pataskar: I will consider the matter most sympathetically and whatever is possible will be done. That is the only thing which I can say.

Then, as usual, our colleague Shri Kamath raised a point—of course, I appreciate his feelings—as to why this Act is not extended to Jammu and Kashmir. I will not enter into a discussion as to this Government being afraid or having no guts and all that. So far as the present provision stands, I think we have got no power in view of the President's Order which has been issued to extend the provisions of this Act to Jammu and Kashmir. Apart from the general question, I might say that so far as the administration of the State is concerned, up-till now, our experience has been, in respect of invariably all matters—for instance we have passed the Hindu Marriage Act—there has been no difficulty in their adapting these laws in spite of the fact that we could not immediately extend these laws to Jammu and Kashmir. I hope that whatever we do here will be followed by those people while considering their election law.

Shri Kamath : Why not the Election Commission do it ?

Shri Pataskar : This is not the right approach at the present moment to do something which constitutionally we are not in a position to do.

Shri Kamath: That day will never come.

Shri Raghavachari: May I put a question, Sir?

Mr. Deputy-Speaker: One hon. Member wants to put a question if the hon. Minister is inclined to answer.

Shri Raghavachari: So far as Jammu and Kashmir is concerned, you will see that article 326 makes it applicable to Jammu and Kashmir and that concerns itself with the Election Commissioners' general powers of superintendence over election as well as preparation of electoral rolls. The other article, 328 I think, which deals with the preparation of electoral rolls does not apply, and the Election Commissioner has no controls over that. There is some absurdity. That is to be rectified.

Shri Pataskar: Whatever is possible in connection with that difficult and complicated matter, I think will be done so far as legislation like this is concerned. I do not want to anticipate any difficulty on that ground. But, it will be a wrong approach to try to do something which, at the present moment constitutionally and even from a practical point of view, it is desirable not to do in this way, but in some other way. I do not think we need enter into any discussion over that.

There were two or three other points raised. There is an amendment which relates to counting being made almost by the presiding officer immediately after the polling is over. I have already explained the position about the limited availability of suitable men for conducting our elections. As I pointed out earlier in the day, there was a conference of the Chief Electoral Officers throughout India. They complained that even now it is very difficult to find them. I think for the time being, with all our desire that the counting should take place as early as possible, that would not be right approach.

With regard to the amendment of my hon. friend Shri V. G. Deshpande, I might again repeat the history of this question which, I hope, will satisfy him. The fact is that after the last elections, in PEPSU we found that there were a number of election petitions on the ground of improper acceptance or rejection of nomination papers only. At that stage, probably, a limited Bill dealing only with that question was brought before this House. Subsequently a Select Committee was appointed. As that Bill did not relate to the overhauling of the whole Act, that Select Committee of which I also was a member tried to do its best. There was a suggestion similar to the amendment moved by Shri V. G. Deshpande. Ultimately, it was found that that idea could not be proceeded with. Once you allow the matter to be agitated before a District Judge or a High Court, the whole purpose of having simultaneous election would be lost. I need not go into the details now. They are all known. Shri N. C. Chatterjee and other lawyer friends know them. Once you do it, I do not know how long matters could be easily delayed in view of the provisions contained in the constitution. Therefore it was thought better that we do not proceed with that Bill. The Bill was withdrawn with the permission of the House. Then, we brought forward a Bill dealing with the matter as a whole. The Select Committee, as its illustrious Chairman Pandit Thakur Das Bhargava, has shown, considered the whole matter how to solve it best and ultimately arrived at the solution which I think is just and proper. Without leaving the door open for litigation, they have tried to see that probably what might have happened in PEPSU may not now happen. We have simplified the whole procedure. The Select Committee having proceeded on that basis, has changed the provisions. It is much better and desirable that we stick to them. We do not want to introduce certain other things which were considered and found not very suitable.

As regards the time of 20 days or 30 days or 40 days, if the provisions are carefully looked into, it will be found that 20 days is the minimum period. In the hill areas where more time is required, the Election Commission will take every care to see, that, in conducting the elections and fixing the dates, the people are not unnecessarily inconvenienced and that we arrive at the result which we want namely that the elections should as far as possible be free of complications and difficulties which could be avoided by suitable orders. Therefore, my hon. friends need not be agitated over that question. What is provided is a minimum. It is not the maximum.

Mr. Deputy-Speaker : There could be an apprehension that if the minimum would be reduced from 30 to 20, naturally,.....

Shri Pataskar : That is true. The apprehensions are there. But, there is another aspect. Merely because in some areas, probably some more days than the minimum of 20 days are required, we should not generally extend the time. We know, all of us have been candidates for election, the more the time elapses, there is greater agony for the candidates. If necessary, it would be done. It is not as if it is an one-sided thing. There are two aspects of the matter. Considering the whole scheme as it is, I think there is nothing to be afraid of. If in some cases hardship would be caused if there is only the minimum, it can be remedied. Of course, there is room for apprehension. I think that in actual effect, the way in which the Election Commission has been working has been satisfactory. We need not entertain any unnecessary apprehensions in the matter.

Shri K. K. Basu : What are the special reasons for reducing it apart from agony?

An Hon. Member : Expenses?

Mr. Deputy-Speaker : If an hon. Member wants to put a question, he should at least take the trouble of rising in his seat and putting it.

Shri Pataskar : Generally speaking, I think, I have covered all the points. Again a point was raised about compulsory voting. I have already said that there are only two countries Belgium and Australia where it is obtaining. Probably those voters are very literate and the means of communication there are much better than we have. While sympathising with the objective, I think it is much better, apart from the constitutionality of that question, that we do not go to the length of compelling the people to vote. We found it very difficult.

Except the amendments which I have already said that I am prepared to accept, I am very sorry, I cannot accept any other. Of course, these are points of difference which have been in existence from before the commencement of the Select Committee. Though we have been able to accommodate the different views as much as possible, unfortunately the majority could not agree to them and I think it is much better we leave the law as it is.

Shri B. S. Murthy : What about the compulsory element of voting?

Shri Pataskar : I have already said that compulsory voting is a thing which instead of facilitating elections is rather likely to create hardships.

Mr. Deputy-Speaker: Now there is no compulsion. I now put amendments to clause 3 to the vote of the House.

The question is :

Page 1, line 22—

after "in clause (d)" *insert* :

> "the words 'other than the State of Jammu and Kashmir' shall be omitted ; and"

The motion was negatived.

Mr. Deputy-Speaker : The question is :

> "That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Shrimati Khongmen : In view of the assurance given by the hon. Minister I wish to withdraw my amendment No. 142 re: new clause 3A.

Mr. Deputy-Speaker : Has the hon. Member the leave of the House to withdraw the amendment?

Hon. Members : Yes.

The amendment was by leave withdrawn.

Mr. Deputy-Speaker: The question is:

Page 2—

after line 27, *insert* :

> "3A. *Amendment of section* 3.—In section 3 of the principal Act, in sub-section (1), the brackets and words '(other than the State of Jammu and Kashmir)' shall be omitted."

The motion was negatived.

Mr. Deputy-Speaker : The question is :

Page 2—

after line 27, *insert* :

> "3A. *Amendment of section* 4.—In section 4 of the principal Act, the words other than a seat allotted to the State of Jammu and Kashmir' shall be omitted."

The motion was negatived.

Clauses 6 and 8 were added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 5—

after line 22, *add*:

"Provided further that nothing in this section shall prevent the Election Commission from designating or nominating any person other than an officer of the State Government to be a returning officer."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 5—

after line 22 *insert*:

"Provided further that nothing in this section shall authorise the Election Commission to designate or nominate the same person to be the returning officer for more than one Parliamentary Constituency."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 5—

for clause 10 *substitute*:

"10. In section 22 of the principal Act, the proviso to sub-section (2) shall be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 5—

after line 25 *insert*:

"10A. *Amendment of section* 25.—In section 25 of the Principal Act, after the words 'polling areas', the words 'or groups of voters' shall be inserted."

The motion was adopted.

Mr. Deputy-Speaker: Now I put the other amendments for a new Clause 10A to the vote of the House.

The question is:

Page 5—

after line 25, *insert*:

"10A. *Amendment of section* 25.—To section 25 of the principal Act, the following proviso shall be added, namely:

'Provided that there shall not be less than one polling station for area comprising not more than one thousand voters and provided further that the polling station shall not be more than three miles distant from any village included in that area.' "

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 5—

after line 25, *insert*:

"10A. *Amendment of section* 24.—In section 24 of the principal Act, the word 'general' shall be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 5—

after line 25, *insert*:

"10A. *A substitution of new section for Section* 24.—For section 24 of the principal Act, the following section shall be substituted:

'24(1) The proceedings at any election shall be conducted in accordance with the provisions of this Act and the rules or orders made thereunder.

(2) It shall be the duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made thereunder'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 10A be added to the Bill."

The motion was adopted.

Clause 10A *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

In page 5—

after line 31, *insert*:

"Provided further that the distance between the two polling stations is not more than fifty yards."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 *was added to the Bill.*

Clause 12 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 6—

line 13, *for* "twentieth day" *substitute* "thirtieth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 13,—

for "twentieth day" *substitute* "twenty-fourth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 8—

for "third day" *substitute* "eighth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 5, line 40—

for "tenth day" *substitute* "fifteenth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 13,—

for "twentieth day" *substitute* "sixteenth day"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 13—

for "twentieth day" *substitute* "fortieth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 *was added to the Bill.*

Clause 14 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 6, lines 30 and 31—

for "proposer" *substitute* "authorised agent".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, line 13—

omit "or disloyalty to the State".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, lines 30 and 31—

for "his proposer" *substitute*:

"a person authorised in writing by him in this behalf".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

for "his proposer" *substitute* :

"a person authorised in writing by a special power of attorney in this behalf by him or by his proposer".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 35—

after "candidate" *insert* :

"or if the candidate is in jail by an authorised agent who will also file an affidavit to the fact of the candidate being in jail in such manner as may be prescribed".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, lines 35 and 36—

omit "and by an elector of the constituency as proposer."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7—

for lines 14 to 18 *substitute* :

"(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the name and electoral roll number of the candidate as entered in the nomination paper is the same as entered in the electoral rolls".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, lines 15 and 16—

for "names and electoral roll numbers of the candidate and his proposer".

substitute "name and electoral roll number of the candidate".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, line 21—

for "names of numbers" *substitute* : "name or number".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6—

for lines 29 to 36, *substitute* :

"33. (1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person, or by an agent duly authorised in writing for the purpose, between the hours of eleven O'clock in the fore noon and three O'clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the notice issued under section 31, a nomination paper in the prescribed form duly signed by the candidate."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7—

omit lines 14 to 33.

The motion was negatived.

Shri Kamath: You might take some rest.

Mr. Deputy-Speaker: Thank you very much.

The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Mr. Deputy-Speaker: Now I put amendments to clause 16 to the vote of the House.

Mr. Deputy-Speaker: The question is:

Page 7, line 40—

for "five hundred rupees" *substitute* "two hundred rupees."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, line 42—

for "two hundred and fifty rupees" *substitute* "one hundred rupees"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, line 2—

[Mr. Deputy Speaker]

for "two hundred and fifty rupees" *substitute* "one hundred rupees"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, lines 4 and 5—

for "one hundred and twenty-five rupees" *substitute* "fifty rupees"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, line 7—

for "fifty rupees" *substitute* "twenty-five rupees"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 *was added to the Bill.*

Mr. Deputy-Speaker: I shall now put amendments to clause 17 to the vote of the House.

The question is:

Page 8—

for clause 17 *substitute*:

"17. In section 35 of the principal Act, for the words "both of the candidates and of the persons who have subscribed the nomination paper as proposer and seconder" the words, "of the candidate" shall be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

for clause 17 *substitute*:

"17. In section 35 of the principal Act, for the words 'inform the person or persons', the words, 'inform the person' shall be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

for clause 17 *substitute*:

"17. *Amendment of section* 35.—In section 35 of the principal Act, the words "both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder" shall be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 8—

omit lines 16 and 17.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, line 16—

for "and one seconder" *substitute*: "one proposer and one seconder of each candidate"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

for lines 23 to 30 *substitute*:

"(a) that any of the particulars given by the candidate in his nomination paper is materially incorrect or untrue."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

for lines 33 and 34, *substitute*:

"(c) that the signature of the candidate on the nomination paper is not genuine."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, lines 33-34—

omit "or the proposer."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

after line 34, *add*:

"Provided that when the candidate is in jail, the genuineness or absence of candidate's signature should not be challenged."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

after line 35, *insert*:

"(d) that he is not entitled to be enrolled as an elector."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 8 and 9—

for lines 35 to 38 and 1 and 2 respectively *substitute*:

"(c) sub-section (3) shall be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

(i) *for* lines 16 and 17, *substitute*:

'(a) in sub-section (1), the words "one proposer and one seconder of each candidate" shall be omitted.'; and

(ii) lines 33 and 34, *omit* "or the proposer"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8—

after line 30, *add*:

"Provided that a conviction and sentence exceeding two years of imprisonment for an offence of either a political nature or not involving moral turpitude will not entail a disqualification to be chosen as a member of either House of Legislature or Parliament, or"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9—

after line 19, *add*:

"Provided that any person, whose nomination paper is rejected by the Returning Officer, shall have a right to appeal to the High Court within three days of the date of the order, and the High Court shall decide the appeal within seven days of receipt of the appeal and in case the High Court reverses the order of the Returning Officer, the candidate's name shall be added to the list of valid nominations."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 9—

after line 19, *insert*:

'18A. *Insertion of new section* 36A.—After section 36 of the principal Act, the following section shall be inserted, namely:

"36A. (1) A duly nominated candidate will have the right to prefer an appeal against improper acceptance or rejection of the nomination paper with District and Sessions Judge of the District. The appeal shall be filed within one day of the decision by the Returning Officer. On the fourth day after the scrutiny the Sessions Judge will hear the appeal and give his decision on the fifth day. The aggrieved party will be required to give notice of its intention to prefer an appeal the same day on which the decision of the scrutiny is announced and the Returning Officer will notify the fact on the board and no separate notice to candidates would be necessary.

(2) The appeal would be presented to the Returning Officer addressed to the District and Sessions

[Mr. Deputy Speaker]

Judge accompanied by a treasury recepit for rupees one hundred. The Returning Officer will forward the appeal to the District and Sessions Judge."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9—

for clause 19, *substitute* :

"19. In section 37 of the princi- Act,—

(a) in sub-section (1), for the words 'by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate' the words 'by any other authorised agent' shall be substituted; and

(b) the proviso shall be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9, lines 20 and 21—

for the word "seconder" *substitute* the words "or by his proposer, seconder"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9—

for clause 19, *substitute*:

"19. *Amendment of section* 37.—In section 37 of the principal Act, in sub-section (1) for the words 'by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate' and the proviso, the words 'by a person duly authorised in writing for that purpose by the candidate' shall be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9, lines 20 and 21—

omit the word "seconder"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 *was added to the Bill.*

Clause 20 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 9, line 43—

for "tenth day" *substitute* "fifteenth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 10, line 14—

for "seventh day" *substitute* "thirtieth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 10, line 14—

for "seventh day" *substitute* "twentieth day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 21 stand part of the Bill."

Those in favour will kindly say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will kindly say "No".

Some Hon. Members: No.

Mr. Deputy-Speaker: The "Ayes" have it.

Shri Kamath: The "Noes" have it.

Mr. Deputy-Speaker: The division bell is being rung.....

I shall put the question now.

The question is:

"That clause 21 stand part of the Bill".

The motion was adopted.

Clause 21 *was added to the Bill.*

Clauses 22 to 25 were added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 11—

line 35, *add* at the end:

"On production of a letter of authority in the prescribed form those agents and relief agents shall be allowed to act as polling agents."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 26 stand part of the Bill".

The motion was adopted.

Clause 26 was added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 12—

lines 4 and 5—

for 'but not exceeding such number as may be prescribed' *substitute* 'but not exceeding one per ten or fraction of ten ballot boxes'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 27 stand part of the Bill".

The motion was adopted.

Clause 27 was added to the Bill.

Clauses 28 to 31 were added to the Bill.

Mr. Deputy-Speaker: I shall now put amendment No. 22 to vote. That amendment has been accepted by Government.

The question is:

Page 13—

line 38, *for* 'is' *substitute* 'has'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 13—

line 34, *for* 'ten days' *substitute* 'five days'.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 13—

line 34, *for* 'ten days' *substitute* seven days".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 32, as amended, stand part of the Bill".

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Clause 33 was added to the Bill.

Mr. Deputy-Speaker: I shall now put amendment No. 23 to clause 34 to vote.

Shri K. K. Basu: The amendment suggests that the returning officer will declare the election void. But that goes completely against the scheme of the Act. Even today, as you know very well, when the recounting is done, it is the Election Commission which declare that an election at a particular polling station is void. But here, according to this amendment, the returning officer will declare it void. So far as the rest of the amendment is concerned, we are all agreed to it in principle. But we are not in agreement with this particular portion. I think the provision should be amended according to the spirit of the Act. I do not know whether the Minister has considered this point.

Mr. Deputy-Speaker: If the hon. Member would recall, I had brought it to the notice of the Minister.

Shri K. K. Basu: I think he has not considered this point. When he was explaining the earlier provision, he only said that the election at such and such a polling station may be declared void, but he did not say that the returning officer can declare it void, and then in consultation with the Election Commission, he can appoint such and such a date for the fresh election. That is completely against the scheme of the Act. According to the Act, it is only the

[Shri K. K. Basu]

Election Commission that can declare it void. So, how does the Minister accept the proposition that the returning officer can declare it void ?

Shri Pataskar : I think probably there is some misapprehension because the whole amendment has not been properly taken into account. The amendment reads like this :

Page 14—

for clause 34, *substitute* :

"34. *Substitution of new section for section* 58.—For section 58 of the principal Act, the following section shall be substituted, namely :

58. *Fresh poll in the case of destruction, etc. of ballot boxes.* (1) If at any election, any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall—

(a) declare the polling at that polling station or place to be avoid; . . . ."

Mr. Deputy-Speaker : So, it is the polling and not the election that is declared void.

Shri Pataskar : Yes.

Mr. Deputy-Speaker : It is the poll that has to be ordered.

Shri Pataskar : This is the most convenient method also.

Shri K. K. Basu : We are opposed to this particular provision. It is only the Election Commission which can declare it void. So, we cannot support this particular provision.

Mr. Deputy-Speaker : I shall put that separately, if that is the hon. Member's desire.

Shri K. K. Basu : This portion of the amendment should be put separately. So far as the other portions of the amendment are concerned, we agree to them. So far as this portion is concerned, we are not in agreement. The difference is on whether the returning officer is competent to declare an election void. So, I would request you to put that amendment separately.

Mr. Deputy-Speaker : If hon. Members do not agree / to a part of the amendment, they can throw out the amendment. That is all. But the amendment has to be put to vote, as it stands.

The question is :

Page 14—

for clause 34, *substitute* :

"34. *Substitution of new section for section* 58.—For section 58 of the principal Act, the following section shall be substituted, namely :

58. *Fresh poll in the case of destruction, etc., of ballot boxes.* (1) If at any election, any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall—

(a) declare the polling at that polling station or place to be void ;

(b) report the matter forthwith to the Election Commission and to the appropriate authority;

(c) with the previous approval of the Election Commission, appoint a day, and fix the hours for taking a fresh poll at the polling station or place ; and

(d) notify the day so appointed and the hours so fixed by him in such manner as the Election Commission may direct.

(2) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll."

Those in favour will say 'Aye'.

Several Hon. Members : 'Aye'.

Mr. Deputy-Speaker: Those against will say 'No'.

Some Hon. Members: No.

Mr. Deputy-Speaker: The 'Ayes' have it......

Shri K. K. Basu: The 'Noes' have it......

Mr. Deputy-Speaker: Those who are against may kindly rise in their seats.

Shri Kamath: Let the bell be rung. Under new rule 385 it is compulsory.

Mr. Deputy-Speaker: The bell is being rung....

Mr. Deputy-Speaker: The question is:

Page 14—

for clause 34 *substitute*:

"34. *Substitution of new section for section* 58.—For section 58 of the Principal Act, the following section shall be substituted, namely:

58. *Fresh poll in the case of destruction, etc., of ballot boxes.* (1) If at any election, any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall—

(a) declare the polling at that polling station or place to be void;

(b) report the matter forthwith to the Election Commission and to the appropriate authority;

(c) with the previous approval of the Election Commission, appoint a day, and fix the hours for taking a fresh poll at the polling station or place; and

(d) notify the day so appointed and the hours so fixed by him in such manner as the Election Commission may direct.

2. The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll."

Let me find out how many hon. Members are against this motion may kindly rise in their seats—I find that ten hon. Members are against.

Those hon. Members who are in favour of the motion may kindly rise in their seats—I find that an overwhelming majority is in favour of the motion.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, *as amended, was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 14—

after line 29, *insert*:

'34A. *Amendment of section* 62.—In sub-section (1) of section 62 of the Principal Act, for the words "shall be entitled to vote in that constituency" the words "shall vote in that constituency and failure to vote will render the person liable to fine of rupees fifty" shall be substituted.'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 14—

for clause 35, *substitute*:

'35. *Substitution of new section for section* 64.—For section 64 of the principal Act, the following section shall be substituted, namely:—

"64. (1) The Presiding Officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidate or their election or polling or counting agents who may be present, open the ballot boxes and count the votes with the aid of the staff provided and after preparing a statement of votes secured by each candidate and the invalid votes, tie the votes in bundles with appropriate labels and put the ballot papers together with tendered and

[Mr. Deputy Speaker]

> challenged votes in a box or boxes, seal the same and send them with other statements as prescribed by rules in this respect, and he shall then as soon as may be deliver the boxes and all such packets and all other papers used at the poll or cause them to be delivered to the Returning Officer at such place as the Returning Officer may direct subject to any general or special instructions issued in that behalf by the Election Commission.
>
> (2) On the day fixed for final counting and declaration of results, the Returning Officer shall add together the number of votes secured by each candidate as shown in the statements prepared by the Presiding Officers".'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 35 stand part of the Bill."

The motion was adopted.

Clause 35 *was added to the Bill.*

Clauses 36 *to* 40 *were added to the Bill.*

Mr. Deputy-Speaker: Now we shall take up the next group of clauses. May I know whether hon. Members would like to take up some clauses together with clause 41?

Shri N. C. Chatterjee: May I make a suggestion? The most important clauses are clauses 41 and 42 dealing with election expenses and other things. I am suggesting that 2 hours should be allotted to them. They also deal with recognised parties getting immunity. Therefore, it is a very controversial matter. Then I suggest that with regard to clauses 43 to 64, we should have 1 hour. Clause 65 is a very important clause dealing with corrupt practice. I suggest allotment of 2 hours to that. For clauses 66 to 83, I suggest 1 hour.

Mr. Deputy-Speaker: There is a proposal that clauses 41 and 42 should have 2 hours, 43 to 64, 1 hour, clause 65, 2 hours and clauses 66 to 83, 1 hour. Is it acceptable to hon. Members?

Some Hon. Members: Yes.

Shri Rane: Tomorrow only 4 hours are left.

Shri Pataskar: There must be some time for the third reading. We have only 4 hours left.

Mr. Deputy-Speaker: That will be seen afterwards.

Shri Pataskar: May I suggest that in order to finish this tomorrow, the time for clauses 41 and 42 may be reduced from 2 to 1½ hours? If this is not agreeable, a reduction can be effected with regard to some other clauses. I am not particular about that. Let the time be so fixed that at least by tomorrow we finish it. Then we have other work—I am not so much concerned with this.

Pandit Thakur Das Bhargava: May I suggest that when we are taking up clauses 41 and 42, clause 47 may also be taken up? I have tabled an amendment to clause 47 in regard to election expenses etc., because I thought that that was the proper place.

Mr. Deputy-Speaker: Clauses 41, 42 and 47 may be taken together. Would 2 hours suffice?

Pandit Thakur Das Bhargava: I think so.

Mr. Deputy-Speaker: We have already exceeded the time, and the balance is already fixed for other work. Therefore we shall have to be very particular to finish this. We will now take up clauses 41, 42 and 47 for which 2 hours have been fixed. Hon. Members who wish to move amendments may hand over the number of the amendments at the Table within 15 minutes.

Shri R. D. Misra: I have tabled an amendment today.

Mr. Deputy-Speaker: That may also be notified.

Clauses 41, 42 and 47

Shri V. G. Deshpande: I beg to move:

(i) Page 16—

line 28—*omit* "recognised".

(ii) Page 16—

omit lines 31 to 33.

(iii) Page 16—

after line 33, *insert*:

"77A. (1) All the recognised parties shall keep a separate and correct account of all expenditure

> in connection with the election incurred or authorised by them between the date of publication of the notification calling the elections and the declaration of the results thereof, both dates inclusive.
>
> (2) The accounts shall contain such particulars as may be prescribed.
>
> (3) The expenditure would be divided by the total number of candidates set up by the party and the amount so arrived at would be added to the total expenditure incurred by each candidate, and the amount after this addition would be treated as the total expenditure incurred by the candidate of a recognised party."

5 P.M.

By my first amendment I have proposed that in page 16, line 28, the word 'recognised' should be omitted. In the next amendment, I propose that in page 16, lines 31 to 33 should be omitted. These lines include the Explanation which defines a recognised party. It says:

> "The expression 'recognised party organisation' means a party organisation which has been recognised by the Election Commission in this behalf."

At the outset, I want to make a submission that this expression 'recognised party' has crept in this Bill in a very stealthy manner. In the whole Act, nowhere is there a definition of a 'recognised party'. I will state the history of this. The House will realise that the whole conception is foreign to our ideas and also this Act. In the last general elections, the Election Commission, by this very Act, was authorised to allot symbols to parties and candidates and they found that there were a number of parties. So, the allotment of symbols became very difficult for the Election Commission. For the allotment of symbols the whole zoological list was exhausted from bullocks to elephants and all kinds of things. Therefore, they tried to restrict the number by rules. They were authorised to make certain provisions for the allotment of the symbols. For allotting symbols some parties were recognised. When some people approached the Election Commission and asked what was the fun in recognising certain parties and not recognising others, they said it was only for the purpose of allotting symbols and that they were not parties politically or otherwise. It was said that for the purpose of allotting symbols they were making some arrangement.

[SHRI BARMAN *in the Chair*]

Now, we suddenly find that in this Bill that only candidates of recognised parties will be allowed to make some expenditure. This Explanation says that those parties which are recognised by the Election Commission are the recognised parties. I do not know whether the Election Commission will recognise some other parties for the purpose of this clause. That ought to have been made every clear, because there may be different considerations for different things. Last time, there were certain arbitrary considerations for the purpose of symbols; certain parties were recognised. I am convinced that the standards set up by the Election Commission for recognising parties were not valid, nor are those standards followed in other countries. In England, the standard is the number of candidates set up and not the number of votes secured by any party. Symbols have to be given according to the number of the party. For filing returns or for the purpose of any party making expenditure on behalf of the candidates you may require parties of long standing parties which have got well-managed offices, which have got a standing in the country. Only their expenditure can be acknowledged. Nothing has been made clear in this Bill. My objection is not merely on this ground. I can see the force of the Election Commission being authorised to recognise parties. If the Ministry is granted the power to recognise parties, it may start with recognising itself and end there also. Entrusting such matters to the Election Commission is always proper. I remember that while inaugurating the Parliamentary Senimar, Dr. Radhakrishnan said that democracy should not mean the tyranny of the majority. A group which is small, should not be handicapped in any manner. In the operation or real working of the recognition of parties or allotting symbols, cases have occurred where there were regular handicaps.

I may just give one instance. In Vindhya Pradesh, there was a by-election for a double member constituency. There were two candidates of the social-

[Shri V. G. Deshpande]
ist party, two candidates of the Congress and two candidates of the Hindu Mahasabha. In certain States the Hindu Mahasabha is not recognised for allotting symbols. In Vindhya Pradesh, it is not. The Congress general candidate got the bullock, the scheduled caste candidate got the bullock with a ring, the socialist party general candidate got a hut and the scheduled class candidate got a hut with a ring, and the Hindu Mahasabha general candidate got the horse and because the Hindu Mahasabha was not recognised there, the scheduled caste candidate of the Mahasabha got a balance. (*An Hon. Member*: Donkey) The donkey went to other groups. The result was that the Hindu Mahasabha candidate defeated both the Congress and the socialist candidate for the general seat. Because we did not have the same symbol, the socialistic party scheduled caste candidate who got the second number got the other seat. When we brought this to the notice of the Election Commissioner, he said that he realised that there was some handicap. We could not get the same symbol because the party was not recognised in that particular State. Parliament should very seriously consider this.

My objection is that even allowing the recognised party to spend would defeat the provision which we have here as well as in the previous Act regarding ceiling. By allowing a party to spend and not showing it in the returns you are going to defeat the provision regarding ceiling. I understand the Congress has collected large amounts from some persons. I know that they can collect crores and crores with the powers that they have. I do not want to act as an auditor nor are they going to submit any returns. But, what I am saying is that if a party decides to spend all the money on a certain candidate, if all the motor cars are run by the party, if all the canvassing is done by the party, nothing can stop that. You do not say that only propaganda can be carried on by a recognised party. You say that any expenditure made by the recognised party, it may be for motor cars, it may be for hiring the workers, or it may be for other things, will not be shown. A rich man or a man with a lot of influence in the party can spend lakhs of rupees for his election and can show only Rs. 1,000 or say even Rs. 20,000 in his election returns. If all the parties can make such expenditure from their party funds, then, I think, this provision should be done away with. You say that the party need not submit its accounts.

During the last elections, I have been told by some Congress Members that some favourite candidates were completely supported by the party. The Minister is sitting here at Delhi and the party is called upon to fight the elections. If you are going to give this facility to the recognised parties, then the parties themselves should be asked to file the returns. Let them reveal the sources from which they get the money. I think that will do good to the country because already charges are being made that all the black-marketeers against whom the Congress is allegedly carrying on a campaign are heavily supporting the Congress. I say that if your hands are clean, you should put your cards on the table and you should not be afraid. All these big recognised parties submit their return and if the prescribed maximum is to be correctly maintained, then the second provision also has to be followed. You should divide the whole amount spent by the party by the number of candidates which that party has set up, and that should be regarded as the amount spent by the party for every candidate; and adding to it the total amount spent by the candidate, that should be the maximum. You cannot make a difference. My definition of democracy is that even if I am one man, I should have the the same facilities, the same privilege and the same opportunities of fighting an election. If I stand as an independent candidate, you require me to spend only Rs. 25,000. If you will stand as a party candidate, you spend Rs. 25,000 and in addition the party can spend lakhs of rupees. That is not democracy.

Therefore, in the interest of the purity of democracy, in the interest of fairplay and justice, I request the House that they should accept my amendment or accept some other suitable amendment whereby this provision allowing the recognised parties to incur expenditure should either be removed or the party should be compelled to submit its return.

Mr. Chairman: The amendments moved by Shri V. G. Deshpande are before the House.

Shri S. S. More: I support the amendment which has been moved by my friend, Shri Deshpande. It goes to the root of the matter. If free and fair elections are to be held, then it is a basic principle of the Constitution that all parties should be treated on an equal plane. Particularly in the infancy stage of our democracy, we should give all opportunities and encouragement for all parties to develop on healthy lines. At this stage, it is no use giving advantage to the so-called recognised parties and no advantage to the other parties.

Apart from this, I wish to raise one other important point. Now the adjective used is 'recognised'. May I know, by whom recognised? By the Election Commission. I should like to know from the Government where we have given the power to the Election Commission to sit in judgment over the strength or relative strength of the parties and grant this charter of all-India parties or the provincial or State parties. I have made enquiries and I was told that the Election Commission has acted under rule 5 of the rules which have been framed under the Representation of the People Act for the conduct of elections. Rule 5 says—

> "The Election Commission shall, as soon as possible after the commencement of the rules, by notification in the Official Gazette, pubpublish a list of symbols and may in like manner add to or vary such lists........"

I need not take the time of the House by reading the whole of this, but I have cared to study this and the relevant provisions of the Constitution as also the Representation of the People Act. According to the scheme of the Constitution or the present Representation of the People Act, there is no mention in any section or clause of such power. Even the President is to invite one person to be the Prime Minister, but it does not say that he should lead the majority party. There is no reference to minority party. There are references to individuals, but the individuals are treated apart from party structures or party formations.

Therefore, my submission is that the Election Commissioner has never been specifically endowed with this power of granting recognitions either on the national plane or State plane to political parties. I need not go into details, but the Election Commission in its report on the first general elections, on page 81 has referred to the fact how the Election Commissioner went on granting sanads or charters on the different political parties. He has mentioned certain parties whose names even have not been heard by many politically conscious persons. On the contrary, many parties which had formidable following in different parts were relegated to the position of State parties and there was no forum to challenge the decision of the Election Commissioner for an aggrieved party. It all became a matter of influence of the leaders concerned who are leading certain political parties. As you know, on the eve of the elections, nothing grows as fast as mushroom political parties. Therefore, my submission is that if you confer power in this indirect way, then the question can be competently asked, who is to grant this recognition. You use the word, but you do not define the authority in specific terms regarding the granting of recognition. Supposing you confer this power on the Election Commissioner, can you imagine in what difficult and precarious position we shall be placing him? He will be guided by certain reports of his own assistants; they will be influenced by different parties in the different spheres; he will have no material to base his judgement. We have not laid down what should be the specific features for recognition as a national party, how much voting it should have, what party manifesto it has issued, what party collections are made whether branches are there or not etc. There is no standard laid down for a national party; there is no standard laid down for a State party, and in such a nebulous State of affairs, when everything is uncertain or developing or decaying, can we endow on the Election Commissioner the very precarious power of exercising this task with fairness—the granting of recognition to this party or that party? I believe that if Government are out to endow the Election Commissioner with impartiality in this respect, let them come out with the specific portion in the Representation of the People Act that would confer this power on the Election Commissioner. If the elections are to be conducted according to the rules, let the rule specifically say that the Election Commissioner will be in charge of the elections. But he is not in charge of regulating the political life of this country. Conducting elections is one thing and granting recognition to political parties and giving them a certain privileged position is another thing. By this thing you allow to the Election Commission

[Shri S. S. More]

certain latitude for interfering with the political life of the many people in this country, either organised or individuals, Therefore, we are placing the Election Commissioner in a very compromising position and we are doing the greatest harm to the impartiality of the Election Commission. Therefore, without elaborating this point, I want the specific laying of the finger by the Minister of Legal Affairs, who unfortunately is not here.......

Shri V. G. Deshpande: He is never here.

Shri S. S. More: I am not prepared to accept that.

Shri V. G. Deshpande: Sometimes.

Mr. Chairman: He has had my permission.

Shri S. S. More: But nature has to assert on occasions. My submission is that the Minister of Legal Affairs or the spokesman of the Government on this particular occasion should point out, for my enlightenment at least, the specific rule under which this power can be appropriated by the Election Commission, what are standards on which parties are recognised on an all-India plane or a State plane? I have gone through this Report, but it does not say it clearly. It simply says on page 86:

> "The power to reserve for State parties symbols other than those reserved for all-India parties were delegated by the Commission to the Chief Electoral Officers".

He has not only used these powers which I contend were never given to him specifically, not even by implication, but he even exercises those powers and delegates those powers. Even this authority for delegation ought to be granted by statute. A man who is given some powers, *designata*, cannot delegate that power. Apart from the considerations which have been urged by my friend, Shri Deshpande and which can be urged by others, I should like to know the particular rule or section in the Act which confers specifically this power. If there is no such power, then we will have to reconsider this particular section.

Shri Tek Chand: I rise to oppose the amendment of my hon. friend on my right. If the provisions are read in their setting, if motives are not to be imputed, if we are to examine them on their merits, the provisions proposed by clause 41 are not only desirable and logical but they are imperative.

Exception has been taken by my hon. friend, Shri Deshpande, to the word 'recognised' in the case of a recognised party. If this word, this limitation were not there, the result would be that any individual candidate has to find the name of a party and that party shall consist entirely and exclusively of himself.......

Pandit K. C. Sharma: And his wife.

Shri Tek Chand: My hon. friend says 'his wife'. I accept his amendment. The result will be that this entire clause will become ineffective. That is to say, there will be no party, no political party. It has had no history; no existence. Neither it has a past nor is it going to have a future. None-the-less, for the sake of getting out of the clause regarding the ceiling and imposing limitations as to the extent of expenditure, this particular individual or, may be, one or two or more will give unto themselves the name of a party, the real object being that they should be in a position to escape the penal consequences of the clause laying down restrictions as to the expenses. If the word 'recognised' is omitted, the result will be that, what we frame today in one section, is apt to be abused by this provision.

Elections are run in all modern democracies on party lines. No doubt, individuals are never stopped from contesting but so far as political parties in the country are concerned, they organise elections. They run elections. They have got a party programme. They have got a political manifesto. They have got their plans and schemes. They have made certain promises to the electorate. It is that programme which they pursue. It is no longer possible for an individual or a few individuals to set out a programme or to pursue a programme. Elections are necessarily run—in future, more so—on party lines. That is the history of the democratic countries like UK, USA, France, etc.

Now, the question is this. Should the recognised parties be subjected to certain restrictions regarding the quantum of expenditure? So far as parties are concerned, they are running the elections in the entire State or States usually and a well recognised party, in the entire country. They have their provincial organisation; their district organisations. In espousing the cause of any particular candidate in a particular constituency, the party is espousing the cause of the entire candidates run by it in constituencies more than one, in State assembly constituencies as much as in the parliamentary constituency. Therefore, on a large number of counts there is going to be common expenditure, an expenditure which cannot be earmarked or allocated to the account of a particular candidate. Mostly the expenditure is going to be in the form of meetings, posters and other propaganda machinery which is going to function. That propaganda machinery is for all the candidates in that particular area, may be a district or may be two districts. It is for the benefit of the candidates, whether for the parliamentary constituency or for the State Assembly. That being so, it is not possible to give either in annas, pies or in rupees the expenditure *vis-a-vis* a particular candidate. It is therefore necessary that so far as recognised parties are concerned, which are going to run the elections, they should not be compelled to subject themselves to the law regarding return of expenses. That is not possible. In the nature of things that is not workable. That being so, an expenditure incurred by a recognised party organisation must not be subject to the scrutiny to which the expenses by the individual concerned for his personal election can be or should be subjected. In the case of an individual money is coming from his coffers. They have to be earmarked. But that is not possible when elections are being run not for the benefit of a particular individual, but for the benefit of a large number of a candidates. Therefore, the necessity of this particular sub-clause (4).

A good bit has been said, I think uncharitably, that the Congress Party wants to abuse these provisions in order that they may be able to commit certain irregularities which they otherwise cannot. There is absolutely no truth in the allegation.

Shri Raghavachari: I question.

Shri Tek Chand: Your question is questionable. It was only with a view to throw mud, to subject the Congress Party to carping criticism that such an allegation was made. The question is, so far as this organisation is concerned, not one instance has been shown in the very large number of election petitions all over the country that the party funds were mis-used or abused or spent in order to bring about corrupt practices, whether they were major, minor or intermediary. It is not correct to think that parties which have a political programme are going to buy votes, bribe or spend money in bringing about undue influence. Under these circumstances, I feel that so far as disability attached to non-submission of election expenses in the manner prescribed is concerned, that disability cannot be attached to a recognised party and this right which is being conferred by this provision must confine itself to recognised parties, recognised by authorities whether they happen to be the Government or the Election Commission, preferably the Election Commission.

There was no difficulty regarding symbols. Symbols were again allotted to parties. The parties were known. But one thing that experience has shown is this. Today certain parties come into existence for the purpose of elections. They are like mushrooms that come into existence for the time being and come to an end immediately after. It is to obviate that undesirable feature, where an individual masquerades as a party, there being no programme and no politics about that party, that this provision is made. Therefore, it is absolutely necessary that recognised party organisations alone should have this power.

So far as the other provisions are concerned, I give my full support to them, because they are not only logical but are also necessary.

Shri Raghavachari: I rise to support the amendment and also to oppose the clause itself. My reason is this. First and foremost, we must not forget and shut our eyes and begin to drink milk as the cat does. In fact, as practical men, we have been seeing the elections. We know, and we have seen oftentimes that when there is a party and when there is an election, unfortunately the election has turned out to be a game for people with money in bags. I am not saying your party or my party, but I say it is so in almost every party.

Mr. Chairman: Just a minute. There are some amendments to be moved.

Shri R. N. S. Deo (Kalahandi—Bolangir): I beg to move:

(i) Page 16—

for clause 41, *substitute*:

"41. *Omission of sections* 76, 77 *and* 78.—Sections 76, 77 and 78 of the principal Act shall be omitted."

[Shri R. N. S. Deo]

(ii) Page 16—

for lines 27 to 40, *substitute* :

"78. Every candidate whose election is challenged, shall, within seven days of the receipt of notice of the election petition challenging his election, lodge with the Returning Officer on account of his election expenses, which shall be a true copy of the account kept by him under section 77, and it shall be open to the petitioner, within 10 days of the filing of the return to file his objections, if any, to the accuracy of the returns."

Shri V. G. Deshpande: I beg to move :

Page 16—

line 27, *omit* "not".

Shri R. N. S. Deo: I beg to move :

Page 16—

(i) line 27, *omit* "not".

(ii) line 28, *omit* "recognised"; and

(iii) *for* lines 31 to 33 *substitute*:

"*Explanation I.*—Where a party incurs any expenditure for furthering the prospects of more than one candidate in a House of the People constituency, the proportionate share debitable to each candidate of the party for the House of the People and for the Legislative Assembly, shall be calculated in accordance with the principles and procedure as may be prescribed by rules.

Explanation II.—Expenditure incurred directly or indirectly by individuals, firms or companies in aid or furtherance of the prospects of the party candidates, shall also be deemed to be expenses incurred by the party."

Shri Kamath: I beg to move :

Page 16—

omit lines 26 to 32.

Shri N. B. Chowdhury: My amendment No. 159 is the same as No. 129 moved by Shri Kamath just now.

Shri R. D. Misra: I beg to move :

Page 16—

for lines 34 to 40, *substitute* :

"78. *Lodging of account with the returning officer.*—(1) Any person who intends to present an election petition under this Act shall give notice of his intention to challenge the election within ten days from the date of the declaration of the result of election and shall deposit with the returning officer a sum of rupees two hundred in the case of an election to the House of the People and rupees one hundred in the case of an election to the Legislative Assembly of a State.

(2) Upon receipt of notice under sub-section (1) the returning officer shall immediately call upon every contesting candidate to lodge with the returning officer either in person or by a person authorised in writing by him in this behalf an account of his election expenses, which shall be a true copy of the account kept by him or by his election agent under section 77 within thirty days from the date of the declaration of the result of the election.

(3) If a person giving notice under sub-section (1) of this section does not present an election petition to the Election Commission under section 81 of this Act, the amount deposited by him shall be paid equally to the persons who lodged the accounts of election expenses with the returning officer after three months of the expiration of the period of limitation prescribed for the presentation of election petition under this Act.

(4) If an election petition is presented by the person referred to in sub-section (1) of this section to the Election Commission, the amount deposited by him, with the returning officer under sub-section (1) shall be returned to him on presentation of a certificate from the Election Commission that he has filed an election petition challenging the election.

(5) Every contesting candidate at an election shall, on being called upon by the returning officer under this section, within thirty days from

the date of election of the returned candidate or, if there are more than one returned candidate at the election, and the dates of their election are different, the latter of those two dates, lodge with the returning officer either in person or by a person authorised by him in this behalf an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77."

Shri Venkataraman : I beg to move :

Page 16—

for lines 27 to 30, *substitute* :

"(4) The said expenditure shall not be deemed to include any expenditure incurred by a recognised party organisation on election propaganda and publicity (such as holding public meetings and issuing circulars, pamphlets, posters, and advertisements) for furthering generally the prospects of the election of candidates supported by it."

Sardar Iqbal Singh : I beg to move :

(i) Page 16—

line 18

omit "and correct".

(ii) Page 16—

after line 33 *add* :

"Provided that no expenses shall be claimed to be included in this section which are incurred with the authority or knowledge of the candidate or his election agent."

Pandit Thakur Das Bhargava : I beg to move :

Page 18—

after line 16, *add* :

"(2) In case the petition is not dismissed under the provisions of section 85, the Election Commission shall at once issue a notice to the candidate whose election has been challenged or any other candidate for whom declaration is sought that he may be declared elected under the provisions of the preceding article calling upon him or them to file true copy of the accounts of election expenses required to be kept under section 77 of Act.

(3) The respondent or respondents as the case may be shall comply with such notice as soon as possible and in no case later than seven days of the service of such notice provided that if such day happens to be a public holiday the compliance may be made on the opening day after such holiday.

(4) In case of failure of compliance with such notice within the prescribed period the election of the returned candidate shall be declared to be void by the Election Commission and the petitioner or such other candidate in respect of whom declaration was sought that he may be declared to be elected shall be debarred from claiming such declaration.

(5) On such accounts being filed within prescribed period the Election Commission shall inform the petitioner that the accounts have been filed to enable the petitioner to inspect them and file such fresh particulars of objection in conformity with the provisions of section 83(2) as he thinks fit within a period of ten days from the receipt of information given by the Election Commission and such particulars shall be treated as part of the petition.

(6) In case the petitioner prays for a declaration that he may himself be declared to be duly elected, he shall file along with the petition a true copy of his own accounts of election expenses required to be kept under section 77 of the Act. If he fails to do so, he shall be debarred from claiming as provided under section 84, that he may be declared to be duly elected."

Shri Kamath : I beg to move :

Page 18—

for lines 15 and 16, *substitute* :—

"Provided that the Election Commission may after giving the petitioner an opportunity of being heard, condone such non-compliance."

Mr. Chairman : These amendments are before the House.

Shri Raghavachari : I was submitting that it is not fair or that it would not be discharging one's duty properly if one should shut ones eyes and forget

[Shri Raghavachari]

our experiences we are every day seeing in the elections. I was saying that unfortunately the elections have become a matter for people with money bags. The more the money that the party or the individual can command—I do not say corrupt practice—surely many, many practices which are not permitted under the rules are being committed every day in the elections. We might shut our eyes and then stand here on the floor of this House and then with reservation say it is not so and exclaim "my party is honest and it has descended from Heaven and the other party is from hell". I am prepared to concede that almost every party and every individual also, when they have got sufficient money, have been misusing it in several ways that are not permitted under the rules.

Pandit Thakur Das Bhargava: Every person is not guilty.

Shri Raghavachari: I shall come to the details. Though the actual person may not know it, his sympathisers through some other man, without the knowledge of the candidate, will spend and thus so many things happen. We see these things happening every day. But what I am concerned with is this. Why is it that a ceiling on election expenses was put? The very purpose of it was that there must be a limit to which money can flow. I know and I suppose everyone knows that there are people who have been returned to Parliament with a few hundreds; there are people here who have been returned with a few thousands and there are people who have been returned with a few lakhs of rupees. Even if there are one or two who have spent more than the ceiling fixed, there is no use in keeping the ceiling; everyone who is prepared to spend more will always take care that the accounts do not disclose more than the ceiling unless he is a fool to file an account which itself will disqualify him. Therefore, a ceiling was put with a view that there should be some limit and that riches must not play a great part in these elections.

Now, I come to the recent elections in Andhra, and the recent elections in Travancore-Cochin where money bags came in. I was not contesting; my friends contested. They contested on behalf of recognised parties. I know two days before the election, thousands of rupees came and the next morning they disappeared. How? By swallowing themselves? The money has gone towards election expenses. It is very well to say that there is no account kept, there is nobody answerable, moneys come and moneys are spent. The most important point, the reason of the rule is that no more than a particular amount should go towards the election expenses of a candidate. What is the good of saying that in the case of recognised parties, this rule need not apply? You say that a particular man shall stand on behalf of a recognised party and the recognised party might spend. If you examine the language, it means that the candidate need not spend a single pie, but crores may be spent for the election of that particular candidate. You may say, it will not happen. I say, it is legally possible. Actually it has happened; it must happen; the ceiling has been exceeded in many cases.

Some Hon. Members: No, no.

Shri Raghavachari: You may say No. That is a different matter. If you read the rule you will see it is possible that in many cases more than the ceiling could be spent for the election expenses of a man who stands on behalf of a recognised party. If he is an individual, he is bound to keep accounts for every single pie and he cannot exceed, because he is not on behalf of a recognised party.

My hon. friend Shri Tek Chand said that the party system must be encouraged and that individuals come and mushroom parties come. The Constitution provides a fundamental right, provides that any man can stand. Why should a single individual who has the fundamental right to stand for election be subjected to an obligation or disqualification in this manner, because he does not belong to a recognised party?

Shri S. S. More: You should read the Constitution with his commentary.

Shri Raghavachari: I feel very sorry and sometimes I am ashamed that a political party like the Congress which is now in Government, must bring a piece of legislation of this kind which is meant mostly for the immediate benefit of that party and incidentally for other parties also. My point is, when any Government brings in some legislation which is going contrary to the fundamental rights of an individual to stand for election, to that extent it is most unfair and it is unjust. It cannot be tolerated. It is a pity that a Government with such a majority, that once stood for such moral standards, should sponsor a thing of this kind and then put in arguments in its favour. The most important argument that the Minister of Legal Affairs was labouring was, how to distribute the expenses among candidates on behalf of the recognised party. I for one cannot understand this argument. You say so. Another man may say, how can I find out the expenses and keep an account of them. When you make an exception in your favour, make an exception in favour of all people. When you have an advantage in your favour, you must give the advantage to the other man. You say, because I am a recognised party, I take the advantage and not any other. To me it looks this is most immoral. I may go to the extent of sayin that this is most unjustifiable that this kind of discrimination must be made in law between a party and between an individual. You find that ceiling is further reduced by providing for expenses only from a particular day to a particular day. That need not be accounted. If it is spent earlier if it is an individual, everything must be accounted. To my mind this is revolting. It is shocking that such a provision like this must be made and buttressed and strengthened by arguments by people this way. I know and I have great respect for Pandit Thakur Das Bhargava. He has said about the probity of standards that we have set in this country. And we go on talking of setting up an example to the whole world and all that. We should certainly set up better examples. We know fully well that with mental reservations we go to the Magistrate for certifying accounts. No doubt you have reduced all those regions now. Still, if in one case, in ten cases, it is possible that the restrictions that you have put work unfair, unjust and against some people, there is absolutely no legal justification for such a provision to be supported by this House, and particularly the Opposition. Therefore, I oppose the retention of this clause and support the amendment.

Why I do is this. Supposing you drop the word "recognised". It would mean that the expenditure shall not be deemed to include any expenditure incurred by an organisation for furthering the prospects of the election of candidates supported by it. That means any organisation. Shri Tek Chand was saying some new reorganisations might come in. Why not an organisation come in? Suppose 100 voters form themselves into an organisation in support of an independent candidate, subscribe and spend in furtherance of his election expenditure Why not it be done? When you, an organised party can do it, why not a hundred or a thousand voters of a particular constituency come out together in favour of an independent candidate and spend hundreds of rupees? What is the moral offence involved in it, and what is the justification for you to say: "Because I am a recognised party I spend." I do not mean it seriously, but I just give it as an example. Suppose there is a recognised party of robbers will it give any sanctity to them. Supposing there is an individual robber, is he alone an offender?

Shri N. Rachiah: That is why they are not recognised.

Shri S. S. More: Robbers are wise enough not to run elections.

Shri Raghavachari: Therefore if you do not move the word "recognised", in addition to inconvenience etc., that were urged by Shri More in throwing this responsibility on the election Commissioner the injustice, the unfairness and the discrimination are points against the rule.

Shri N. Rachiah: I fully support this clause 41.

Mr. Chairman: Members should be short because the point is very simple.

Shri N. Rachiah: This is a very simple clause. Particularly with reference to sub-clause (4) of clause 41 there has been much discussion; and Shri Raghavachari has attacked Government for its inclusion or incorporation, stating that it is unfair and unjust. But it is justifiable, for in a democracy it is only the parties that are recognised, and it is only the majority party that forms the Government. But he was referring to an individual. Supposing there is an individual X and he owns crores of rupees. If he is allowed as a recognised party in the next elections, he may spend crores and try to defeat the very purpose or object of democracy, and as such in a country like ours where there is a people's democracy it is only the parties that should be recognised by the Election Commission. And as such this clause has been justly and properly incorporated.

[Shri N. Rachiah]

With regard to the remarks made by the hon. Members that even dacoits may be allowed in a democracy dacoits and anti-social elements have no place at all. And I am of opinion that it is a serious and severe reflection on the legislators.

Shri Feroze Gandhi (Pratapgarh Distt. West *cum* Rae Bareli Distt.—East): He did not mean that dacoits should be elected.

Shri N. Rachiah: He did mean it. He says even a dacoit may get elected.

Shri Feroze Gandhi: Under the rules he will be debarred.

Shri N. Rachiah: Under the rules he will be debarred, and as such I wholeheartedly support this sub-clause (4) of clause 41, and I very strongly repudiate and oppose the charges made against the Government. Because it is not a question of only one party. He also said that it is not only the Congress that allowed to contest and that is recognised. In our country there are so many parties. Particularly the P.S.P. is also recognised, and the hon. Member represents the P.S.P. In my constituency during the last general election I am sure the other parties spent much more than the Congress Party. Though they are recognised parties they spent lots of money, having their own sources. And he says the Congress Government will spend crores of rupees. I am sure that other parties also cannot get elected without spending money. What applies to the Congress Party will apply to the other parties also, as the hon. Member himself admits. So, I do not think there is any meaning in saying that it is only for the sake of the Congress Party and for its benefit that this provision is being made.

The charges made are really very unfair. I hope the Opposition Parties will accept this clause *in toto* and support it.

Pandit Thakur Das Bhargava: There are two points which I want to urge before the House, one relating to amendment No. 84 which stands in my name, and the other relating to recognised parties, to which objection has been taken by my hon. friend who is so insistent on his amendment being accepted.

I have heard the speech of my hon. friend Shri Raghavachari, and I should say that it has really moved me to this extent that I feel that so far as elections are concerned, if money is used in that way, which my hon. friend has said, —according to his experience, it is being used and it was used in Andhra and elsewhere—then it is very objectionable.

I have got some experience of these elections. But I have not seen my party at least, that is, the Congress Party, paying any money to any candidate in that manner and spending it in that manner.

Shri V. G. Deshpande: In other States, they have done.

Shri Kamath: Not in your constituency, but in other constituencies.

Pandit Thakur Das Bhargava: I am also a Congress candidate. I did not receive any money from the Congress, and the Congress did not spend any money on me. I am as good a member of the Congress Party as any other, and I am as good a candidate as any other. I should therefore think that except in a few cases, where perhaps they may have advanced some money because the candidates could not afford to spend anything, in all other cases, the moneys advanced by parties are usually advanced for purposes of propaganda and for bringing about a certain atmosphere. When there is democracy and there is a party system of government, I fail to see how it can be said that all parties must be made equal by law, they should have the same resources, they should have the same amount of money with them, and they should be able to spend the same amount. I think this will really be very difficult to put into practice.

What my hon. friend is objecting to is this. I understand the force of the objection that in so far as this provision is there, there is a ceiling. This is almost a personal ceiling, because the words used are :

> "Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive.".

So far as the dates are concerned, I shall come to that point a little later. The dates are the same for all candidates. They are not different for different candidates.

So far as the election expenses are incurred, the candidate must give an account of whatever he has spent. But if by implication his party has spent something for furthering the prospects of that candidate, then those things are not to be shown here, and they will not come in the ceiling.

Shri S. S. More: Not by implication but specifically.

Pandit Thakur Das Bhargava: Even if it is specifically so, that makes no difference.

I have seen the amendment of Shri V. G. Deshpande, and I should say that it is simply astounding. Suppose the party does not spend on any particular candidate, and suppose a speech is made by Shri Pataskar or Shri Jawaharlal Nehru in Travancore-Cochin, and it has its effects in Punjab and elsewhere. Then, so far as the candidate in Punjab and elsewhere is concerned, he has not spent any amount, so far as that speech is concerned. He only takes advantage of it, because he belongs to the party of Shri Jawaharlal Nehru. Suppose a speech is made in any other part of the country, the advantage does not go to this or that candidate only; it goes to the whole party. In regard to a particular candidate, how will you say that the amount spent on the tour of a particular leader, of whose speech that candidate along with others takes the advantage—or I should say, he gets the advantage, and not takes the advantage—should be included in his personal account, so far as the question of ceiling is concerned? My hon. friend made a short shrift of the whole thing, and said, divide all the money among all the candidates and then put it there in the ceiling against them. The candidate may not have spent anything. He may not have taken any help from the Congress Party. Yet my friend says that it should be divided amongst all. Is it fair? Is it just? My submission is that we should consider these two questions apart. I can understand that any party or group of men may demean itself to the extent of giving bribes and exercising undue influence and being guilty on those counts. But I do not suppose that parties, when they are recognised and when they are well established, will have recourse to bribery and undue influence.

S. S. More: But individuals may do it.

Pandit Thakur Das Bhargava: I quite see that. I submitted that yesterday also. The difficulty is this. As you yourself know, first of all, this matter started with the granting of symbols. The Election Commission only granted symbols to certain parties. Now, for the first time we are saying in this Bill that the Election Commissioner shall recognise parties. It is not right that we should not give the power. In the explanation it is clearly said:

> "The expression 'recognised party organisation' means a party organisation which has been recognised by the Election Commission in this behalf"

Shri S. S. More: I made that point. Was he not recognising parties as national parties and State parties? In the Report, he says 'recognised parties'. This power of recognition was even delegated. So I ask the question whether under the Constitution or the Representation of the People Act or any of the rules, there is any such specific conferment of power.

Pandit Thakur Das Bhargava: My submission is that if this recognition of parties is to come about in this country, I cannot think of any other authority or person to whom this power can be given. It cannot be given to the Government. It cannot be given to any other authority. It can only be given to the Election Commission. He is responsible for the purity of all elections. We have brought into being an authority which is above parties, and it is on that authority that we can confer power so far as recognition of parties is concerned.

So far as the provisions relating to the Election Commission are concerned, are the Election Commissioner's powers defined meticulously in those provisions? They are not so defined. The Election Commissioner is invested with powers. He is in charge, I should say, superintending all the activities so far as elections are concerned. It is the responsibility of the Election Commission to see that the elections are pure and this principle is being observed and that there is no dissatisfaction in the country so far as elections are concerned. I think it is the Election Commission alone to whom we can delegate these powers.

[Pandit Thakur Das Bhargava]

I quite see the point that previously this question did not arise. Previously, the question was only of granting symbols. So far as expenses were concerned, previously the question did not arise. Now we are saying that the Election Commission shall be the body which will recognise parties. We have nowhere said what will be the constitution of those parties, what will be the membership of those parties, and what will be the programmes of those parties. These are yet to come. Only one general election has been fought so far. We are on the eve of the second general election. These things grow. Previously nobody thought that such provisions would have to be necessary. So far as recognition of symbols was concerned, it was also considered to be an ordinary matter. When we are giving this power, as I submitted yesterday, unless there are absolutely rigid rules so far as recognition of parties is concerned on some of the grounds which I have indicated, and unless those rules are meticulously observed, it will not be right for the Election Commission to recognise parties at his sweet will.

My hon. friends have been criticsing on a basis which does not exist. So far this rule has not even been passed. The rules about ceiling and expenses by parties have not so far come into prominent play. They have not come into actual practice. We do not know what shape they will take. At the same time, my submission is that when we are giving the powers, this House has a right to say, if the House wants, even today—by means of an amendment to the rule—that the Election Commission shall recognise parties on such and such basis and will work according to certain principles so far as recognition is concerned. I quite agree with Shri S. S. More that it is a new provision. When we are making the new provision, it is the proper time to make rules. I have no objection to that. I do not want that the Congress Party, or for the matter of that, any other party, should get preference over another. I say this because otherwise there will be no meaning in elections if discriminatory treatment is accorded to my party. I am as anxious as any of my friends on the opposite side that the House would be well advised in evolving rules which will form the basis for the recognition of these parties. But, when there are no rules and nothing has been done, to say that Congress wants this or that is not fair. The Congress does not want any preference for itself. The Congress does not want any preference for itself so far as the recognition of parties is concerned. If there are recognised parties, this provision shall apply equally to all of them. It is not that one party will take advantage of it and other parties will not.

I will go further and say that I want to secure equality. I am for putting a ceiling. There are some persons who do not want a ceiling. I want that a rich man and a comparatively poorer man should be able to compete equally at the elections. So far as Rs. 25,000 is concerned, every person cannot afford to spend that amount.

Shri S. S. More: Will you bring it down; will you bring in a change in the ceiling?

Pandit Thakur Das Bhargava: But these were discussed in the Select Committee. Some wanted that this should be increased. The Election Commission reported that this ceiling should be increased. A few wanted that the ceiling should be reduced. The Select Committee came to the conclusion that it may remain as it is, and that the Election Commissioner should decide the ceiling.

So far as a recognised party is concerned, there is nothing wrong in allowing a recognised party to do propaganda and bring about an atmosphere in which its candidates can succeed. This is not wrong.

Shri S. S. More: Then, why not you mention what the particular items are on which they can incur expenditure?

Pandit Thakur Das Bhargava: So far as this is concerned, Shri More has forestalled me. I want that if any money is paid by the party to such a candidate as cannot afford to spend, that portion must be shown in his personal account. The rights of the parties and the scope of their activities so far as propaganda is concerned must be defined by the Election Commission. I do not want that money should be spent for corrupt work by any party and that may not be shown. So far as propaganda and creating an atmosphere in the country is concerned, every party has a right to do that. In the absence of rules, it will mean limitation of the powers of the Election Commission to a certain extent. I do not see how criticism can be levelled that it is brought forward for the benefit of the Congress. I can understand that we should place the rules here. We can also provide on what items this money can be spent. I want that the conditions should be the same for all candidates of all parties. I think Shri More is also of the same view. He nods assent. If so, what have we to do for this? We can put in a clause here.

Shri S. S. More: I really succumb to your arguments.

Pandit Thakur Das Bhargava: I am very glad.

I want that in this House we may be able to evolve a rule by virtue of which we can say that the Election Commissioner shall recognise parties on a certain basis. I go further and say that we should define what kind of help should be given to the candidate by the party. If these two things are done, it will be all right. It is perfectly just. You cannot, in my humble opinion, abrogate the rule here. I have not heard any argument either from Shri Raghavachari or others that parties should not be allowed to run elections. We are all agreed that parties should be allowed to run elections. What is the connection between the candidate and the party, if the party does not help the candidate so far as propaganda is concerned? Every member of every party is entitled to get help from his party for this purpose.

I can give you an example of my own case. In the last general elections, it was rumoured that the candidate stood against me, got Rs. 10,000 from the communist party. There were so many other allegations made against the communist party. Many things were said; but, I do not want to repeat them or to say anything which is not founded upon fact. At the same time, we have been seeing how parties have been helping their candidates. We must make a rule which should be strictly followed with regard to all parties. I do not think there is anything wrong with parties. What is wrong is that persons have not yet evolved in their minds the basis of a political party and the scope of the help which a candidate can get from his party.

Coming to my amendment itself, I may submit that.....

6 P.M.

Mr. Chairman: The hon. Member may continue tomorrow. In the meanwhile the Secretary will read out a message from the Rajya Sabha.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the the following message received from the Secretary of Rajya Sabha:

> "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Wednesday, the 16th May, 1956, passed the enclosed motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India and further recommending to the Lok Sabha that the Joint Committee be instructed to report by the 23rd May, 1956.
>
> The names of the members nominated by the Rajya Sabha to serve on the said Joint Committee are set out in the motion.
>
> *Motion*
>
> "That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee: Shri R. M. Deshmukh, Shri B. M. Gupta, Shri Chandulal P. Parikh, Shri P. S. Rajagopal Naidu, Shri S. Chattanatha Karayalar, Shri H. P. Saksena, Shri P. N. Sapru, Shri P. D. Himatsingka, Shri C. L. Varma, Shri Rama Bahadur Sinha, Shri V. Prasad Rao, Shri Jaswant Singh, Shri Rajendra Pratap Sinha, Shri N. R. Malkani, Shri M. C. Shah.
>
> This House further recommends to the Lok Sabha that the said Joint Committee be instructed to report by the 23rd May, 1956'."

Mr. Chairman: There is one matter in this connection. This House recommended that the Report of the Committee will come up before the House on the 18th May. Now, as that was not considered to be convenient by the other House, they have suggested 23rd May. I hope the House concurs with that.

Shri S. S. More (Sholapur): May I rise on a point of order? If this particular resolution has to be amended, it will have to be amended by a duly tabled amendment to the motion.

Mr. Chairman: It is accepted and that will be done later on.

6-02 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Thursday, the 17th May, 1956.

DAILY DIGEST

[*Wednesday* 16*th* *May* 1956]

PAPERS LAID ON THE TABLE . . . 8501

A copy of each of the following Notifications of the Ministry of Home Affairs was laid on the Table under sub-section (2) of section 3 of the All India Services Act, 1951

(1) Notification No. S.R.O. 1124, dated the 14th May, 1956, making certain amendments in the Indian Administrative Service (Recruitment) Rules, 1954

(2) Notification No. S.R.O. 1125, dated the 14th May, 1956, making certain amendment in the Indian Police service (Recruitment) Rules, 1954

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED . . 8501

Fifty-third Report was presented

BILL INTRODUCED . 8512

Indian Income-Tax (Amendment) Bill.

BILL UNDER CONSIDERATION . . 8512–8665

Further discussion on the motion to consider the Representation of the People (Second Amendment) Bill, as reported by the Select Committee, was continued. The motion was adopted and consideration of clause was taken up. Clauses 3, 5 to 31, 33 and 35 to 40 were adopted. New clause 10A was also adopted. Clauses 4, 32 and 34 were adopted as amended. The consideration of clauses was not concluded

MESSAGE FROM RAJYA SABHA . . . 8666–67

Secretary reported to Lok Sabha a message from the Rajya Sabha intimating that Rajya Sabha, at its sitting held on Wednesday, the 16th May, 1956 had passed the motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Constitution (Tenth Amendment) Bill and further recommending to the Lok Sabha that the Joint Committee be instructed to report by the 23rd May, 1956

AGENDA FOR THURSDAY, 17TH MAY, 1956—

Further consideration of the Representation of the People (Second Amendment) Bill .

GIPN—S. 2—128 Lok Sabha—1-3-57—840